

# St. Andrew the Apostle Catholic Primary School



## Freedom of Information Policy

*Succeeding Together in Faith and Love*

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**Freedom of information Policy**

**I Statement of Principle**

The vision of Knowsley Borough Council (the Council) is to be an excellent Council – improving people’s lives.

The Council and its employees are committed to being open and transparent about what the Council does.

The Council is aware of its obligations as a public authority in relation to the Freedom of Information Act (The Act) and intends to fulfil its obligations under the Act.

In preparing this Policy, the Council has followed the guidance provided by the Secretary of State for Constitutional Affairs under section 45 of the Act.

**II The Act**

The Act came fully into force on 1 January 2005. It creates significant new rights of access for citizens to the Council’s recorded information.

The Act requires the Council to discharge two specific legal obligations.

- (i) to adopt and maintain a publication scheme setting out details of information that the Council will routinely make available and how the information can be obtained;
- (ii) to comply with requests for information.

This policy states how the Council will discharge its obligations with a view to the Council serving its customers, stakeholders and the wider public more effectively and thereby increasing public trust and confidence in the way the Council carries out its community leadership role.

### **III The Council's Publication Scheme**

1. The Council's Publication Scheme is available:

- on the internet at:-

[www.knowsley.gov.uk/resources/156396/foi\\_publication\\_scheme.pdf](http://www.knowsley.gov.uk/resources/156396/foi_publication_scheme.pdf)

or by searching under "Freedom of Information" or "Publication Scheme" on the Council's Web-Site.

- in hard copy by writing to:-

The Information Officer  
Department of Corporate Resources  
Legal Services Division  
PO Box 24 Archway Road  
Huyton, Knowsley  
Merseyside L36 9YU

- Telephoning: 0151-443-3836
- Faxing: 0151-443-3550
- E-mailing: [foi@knowsley.gov.uk](mailto:foi@knowsley.gov.uk)

2. The Publication Scheme was approved by the Information Commissioner in 2003 for a period of 4 years.

The scheme will be reviewed in 2005 and thereafter at least annually by the Council's FOI Officer.

3. All requests for information will be monitored so that amendments to the scheme can be made as the need arises.
4. This Policy will be referred to in the Publication Scheme.

### **IV Dealing with Requests for Information**

1. The Council through its officers will provide advice and assistance to persons making requests for information.
2. Requests for information have to be in writing and can be sent to The Information Officer (address as above). Alternatively, requests can be e-mailed to:- [foi@knowsley.gov.uk](mailto:foi@knowsley.gov.uk)

The Information Officer can be contacted by telephone on 0151-443-3836 and can provide advice and assistance.

3. Every endeavour will be made by Council Officers to provide appropriate advice and assistance which might include but not be limited to:-

- informing the public about the provisions of the Act
- providing assistance in the framing of a request
- advising upon when another public authority may be able to assist

4. Once a request has been received a Council Officer may seek clarification or more details to establish the information which is sought. Clarification will be sought where it is deemed necessary to enable the identification and location of the information sought.

At this stage every endeavour will be made by Council Officers to provide appropriate advice and assistance which might include but not be limited to providing an outline of the different interpretations of the request and therefore the kinds of information which might meet its terms.

5. If, however, despite clarification the information is not described in a way which enables the Council's Officers to locate it, the Council may disclose any information located and explain to the applicant why the request cannot be answered further. At the same time details of the Council's complaints procedure will be supplied (see Section V.2 below).

6. If a fees notice has been given and an applicant is not prepared to pay the fee, the Council may

(i) consider whether any information that may be of interest to the applicant is available free of charge

or (ii) consider providing an indication of what, if any, information could be provided within the cost ceiling

or (iii) consider advising the applicant that by reforming or reframing the request, information may be able to be supplied for a lower, or no fee.

7. The Council will not provide assistance to applicants whose requests are –

(i) vexatious

or (ii) repeated  
both within the meaning of section 14 of the Act.

In treating a request as either a vexatious or repeated request the Council will consider guidance from the Department of Constitutional Affairs and the Information Commissioner.

8. If the Council is not able to comply with a request (in whole or in part) because it does not hold the information requested the Council will confirm that it does not hold that information.
  
9. This may involve:
  - more usually informing the applicant to make a request to the other public authority, providing contact details if possible
  - less-often and only if it is likely that the applicant will not object transferring the request to the other public authority following confirmation from the transferee authority that they do hold the information.

In either case, the applicant will be informed as soon as possible.

10. There may be circumstances in which requests for information relate to persons other than the applicant or the authority or disclosure of information is likely to affect the interests of persons other than the applicant or the authority.

The Council intends to take appropriate steps to ensure that third parties are informed of the Council's duties in relation to the Act. However in some cases it will be necessary for the Council to consult with such persons in relation to a request.

11. The Act permits an Authority to provide an applicant for information with a fees notice. The Council is currently considering whether to levy fees for requests for information when it is permitted to do so. Any fees policy adopted will be published as part of this Policy.
12. The Council will make as much information as possible available in as many formats as are possible, in line with the Act. In particular the Council will, so far as is reasonably practicable, give effect to a preference expressed by an applicant for information to be communicated to him/her.
13. The Act provides for certain information to be exempt from the general right of access conferred by the Act.

14. Certain information will be withheld because it is covered by an absolute exemption. Certain information may be withheld because it is covered by a qualified exemption. If information is subject to a qualified exemption, the Council will undertake the Public Interest Test and carefully consider whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
15. The Council will act fairly and transparently when considering the application of exemptions and undertaking the Public Interest Test: An Exemptions Panel acting under strict Terms of Reference will be established every time the application of exemptions is considered. Its Terms of Reference are appended to this policy.
16. If any application for information is refused, the Council will always tell an applicant the reason for the refusal, and fulfil its obligations in issuing a refusal notice under section 17 of the Act.

## **V Complaints**

1. When the Council informs an applicant that a request has been refused in reliance on an exemption, the applicant will also be informed about the Council's complaints procedure.
2. The Council's complaints procedure is available on the Council's Web-Site, or from:-  
  
Customer Services  
Contact Centre  
Municipal Buildings  
Cherryfield Drive  
Kirkby  
Merseyside L32 1TX  
  
Telephone No: 0151 443 4031  
  
E-mail: [customerservices@knowsley.gov.uk](mailto:customerservices@knowsley.gov.uk)
3. Additionally, if the outcome of a complaint is that an initial decision to withhold information is upheld, or is otherwise in the Council's favour, the applicant will be informed of his or her right to apply to the Information Commissioner together with contact details for such an application.

**Exemptions Panel: Terms of Reference**

1. To identify the applicability of a statutory exemption(s) to information which is the subject of a FOIA request.
2. In the case of an Absolute Exemption, to identify the need to confirm or deny the information is held.
3. In the case of a Qualified Exemption, to undertake the Public Interest Test and form a judgement on whether or not a disclosure should still be made.
4. In the event of a Section 36 Exemption, to provide the Authority's Monitoring Officer with all the relevant material.
5. To document and provide written evidence of the decision making process every time an exemption is considered.
6. To at all times comply with the Guidelines, in particular the Code of Practice issued under Section 45 of the FOI Act 2000.