



The Chalfonts Community College

Success is an Attitude!

Freedom of Information Policy

2024 -2025

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Statement of intent

The Chalfonts Community College has an obligation to fulfil its duties under the Freedom of Information Act 2000 and associated regulations. The development and effective implementation of this policy will assist us in fulfilling that requirement.

This policy outlines the College's policy and procedures for:

- The release and publication of private data and public records in response to requests made under the Freedom of Information Act 2000 www.legislation.gov.uk/ukpga/2000/36 and associated regulations.
- Providing applicants with advice and assistance throughout the duration of their requests.

It also clarifies our position regarding the appropriate limit to the costs incurred by the College in obtaining any requested information, and on charging fees for its provision.

1. Accepting requests for information

1.1. The College will only accept a request for information which meets all of the following criteria:

- It is in writing
- It states the name of the applicant and an address for correspondence
- It adequately describes the information requested

1.2. In addition to requests made by hard copy letter, a request will also be treated as made in writing if

- it meets all of the following requirements:
- It is transmitted by electronic means
- It is received in legible form
- It is capable of being used for subsequent reference

1.3. Where a request is submitted in a foreign language, the College is not expected to obtain a translation of the request. For the request to be processed, the College will ask the applicant to provide their request in English.

1.4. The College will publish details of its procedures for dealing with requests for information on the website, which includes the following:

- A contact address and email address
- A telephone number
- A named individual to assist applicants with their requests

1.5 Any College member of staff who receives a request for information from any person (including but not limited to any learner, parent, colleague or member of the public) should refer the request immediately to the College's Data Protection Lead. The Data Protection Lead with the assistance of The Data Protection Officer will then co-ordinate the response and identify whether any exemptions are relevant to the request (e.g. if the request includes a request for another individual's personal data, it will need to be considered if responding to the FOI request could put the College in breach of its separate GDPR obligations).

2. General rights of access to information held by the College

2.1. Provided that the request meets the requirements set out in section 2 of this policy, and subject to any applicable statutory exemptions (considered further below) the College will comply with its duty to:

- Confirm or deny to any person making a request for information, whether it holds information of the description specified in the request.
- Provide the information requested, if the College confirms that it holds the requested information

2.2. The duties outlined in section 3.1 will be completed no later than 20 school days, or 60 working days if this is shorter, from receipt of the request.

2.3. Where a fee is charged (see section 5 below), the timeframe within which the College has to respond to the request begins from the day the fee is received.

2.4. The College will not comply with section 3.1 of this policy where:

- The College reasonably requires further information to respond substantively to a freedom of information request, has informed the applicant of this requirement, but was not subsequently supplied with that further information.
- The information is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.
- A request for information is exempt under section 2 of the Freedom of Information Act 2000.
- The cost of providing the information exceeds the appropriate limit (see section 4 below).
- The request is vexatious.
- The request is a repeated request from the same person made within 60 consecutive working days of the initial one.
- A fee notice was not honoured.
- The requested information is not held by the College for the purposes of the College's business.

2.5. Where information is, or is thought to be, exempt, the College will, within the deadline referred to in section 3.1 above, give notice to the applicant which:

States that fact.

Specifies the exemption in question (the specific exemptions potentially available are beyond the scope of this policy but as a general rule, the exemptions are narrowly construed and any potential use of an exemption will therefore require detailed consideration involving the College's DPO).

2.6. If information falls within scope of a qualified exemption and the College needs additional time to consider the public interest test, the College may extend the deadline. In most cases, the extension will exceed no more than a further 20 working days; however, the actual length of the extension will be decided on a case-by-case basis.

2.7. Where a public interest test extension is required, the College will write to the applicant to inform them of this, stating the following information:

- Which exemption(s) the extension relies on and why
- A revised deadline for when the applicant will receive their response

2.8. Where a deadline has to be further extended, the College will write to the applicant again, stating the information outlined in section 3.7.

2.9. Requests for information that is not recorded by the College (e.g. requests for explanations, clarification of policy and comments on the College's business) will not be considered valid requests. In these cases, the applicant will be provided with an explanation of why their request will not be treated under the Freedom of Information Act 2000 and the College will respond to the applicant through other channels as appropriate.

2.10. The information provided to the applicant will be in the format that they have requested, where possible.

2.11. Where it is not possible to provide the information in the requested format, the College will assist the applicant by discussing alternative formats in which it can be provided.

2.12. If, under relevant disability and discrimination regulations, the College is legally obliged to provide the information in other forms and formats, it will do so.

2.13. In some cases, a request may be dealt with under more than one access regime, e.g. if the request involves both information about the College and personal information, it will be dealt with under the Freedom of Information Act 2000 and the Data Protection Act 2018.

2.14. Staff are made aware that it is a criminal offence to alter, deface, block, erase, destroy or conceal any information held by the College with the intention of preventing disclosure following a request.

3. The appropriate limit

3.1. The College will not comply with any freedom of information request which has an estimated cost of compliance that exceeds the statutorily imposed "appropriate limit" of £450 unless the requestor pays any costs over and above £450. In this case the Data Protection Lead will request written agreement from the requestor that they will pay additional costs based on £25 per hour. The "time for compliance" clock will be paused until an agreement is reached or the requestor refines the request so that the cost of compliance does not exceed £450.

3.2. When determining whether the cost of complying with a freedom of information request is within the appropriate limit, the College will take account only of the costs we reasonably expect to incur in relation to:

Determining whether it holds the information.

- Locating the information, or a document which may contain the information.
- Retrieving the information, or a document which may contain the information.
- Extracting the information from a document containing it.

Costs related to the time spent by any person undertaking any of the activities outlined in this section 4.2 of this policy on behalf of the College, are to be estimated at a rate of £25 per person per hour.

3.3. The College is not required to search for information in scope of a request unless and until it is within the appropriate limit.

3.4. If responding to one part of a request would exceed the appropriate limit, the College does not have to search for information in response to any part of the request.

3.5. Where multiple requests for information are made to the College within 60 consecutive working days of each other, either by a single person or by different persons who appear to be acting independently or in concert, the estimated cost of complying with any of the requests is to be taken to be the total costs to the College of complying with all of them.

4. Charging fees

4.1. The College may, within 20 school days, give an applicant who has requested information from the College, a written notice stating that a fee is to be charged for the College's compliance.

4.2. Charges may be made for disbursements, such as the following:

- Printing and photocopying
- Postage
- Complying with the applicant's preferences about the format in which they would like to receive the information

4.3. Fees charged will not exceed the total cost to the College of:

Informing the person making the request whether we hold the information.

- Communicating the information to the person making the request.

4.4. Where a fee is to be charged, the College will not comply with section 3 of this policy unless the requested fee is paid within a period of three months, beginning with the day on which the fees notice is given to the applicant.

4.5. Once a fee is received, the College will inform the applicant of the revised response deadline, i.e. an additional 20 school days (or 60 working days if shorter).

4.6. Where the College has underestimated the cost to be charged to an applicant, a second fees notice will not be issued; instead, the College will bear the additional costs.

4.7. The College will not take into account any costs which are attributable to the time spent by persons undertaking any of the activities mentioned in section 6.3 below.

4.8. When calculating the 20th school day in which to respond to a freedom of information request, the period beginning the day on which the fee notice is given to the applicant and ending with the day on which the fee is received will be disregarded.

5. Means of communication

5.1. Where, on making a request for information, the applicant expresses a preference for communication by any one, or more if appropriate, of the following means, the College will, as far as is practicable, give effect to that preference:

- The provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant.
- The provision to the applicant of a reasonable opportunity to inspect a record containing the information.
- The provision to the applicant of a digest, or summary of the information, in permanent form or in another form acceptable to the applicant.

5.2. Where a preference is not stated by the applicant, the College will communicate by any means which are reasonable under the circumstances.

6. Providing advice and assistance

6.1. The College will meet its duty to provide advice and assistance, as far as is reasonable, to any person who proposes to make, or has made, requests for information to the College.

6.2. The College may offer advice and assistance in the following circumstances:

- If an individual requests to know what types of information the College holds and the format in which it is available, as well as information on the fees regulations and charging procedures.
- If a request has been made, but the College is unable to regard it as a valid request due to insufficient information, leading to an inability to identify and locate the information.
- If a request has been refused, e.g. due to an excessive cost, and it is necessary for the College to assist the individual who has submitted the request.

6.3. The College will provide assistance for each individual on a case-by-case basis; examples of how the College will provide assistance include the following:

- Informing an applicant of their rights under the Freedom of Information Act 2000
- Assisting an individual in the focus of their request, e.g. by advising of the types of information available within the requested category
- Advising an applicant if information is available elsewhere and how to access this information
- Keeping an applicant informed on the progress of their request

6.4. Where the College wishes to ask a different public authority to deal with a request by transferring it to them, this will only be done with the agreement of the applicant.

6.5. In order to provide assistance as outlined above, the College will engage in the following good practice procedures:

- Make early contact with an individual and keep them informed of the process of their request.
- Accurately record and document all correspondence concerning the clarification and handling of any request.

- Give consideration to the most appropriate means of contacting the applicant, taking into account their individual circumstances.
 - Discuss with the applicant whether they would prefer to receive the information in an alternative format, in cases where it is not possible to provide the information requested in the manner originally specified.
 - Remain prepared to assist an applicant who has had their request denied due to an exemption.
- 6.6.** The College will consider what level of assistance is required for an applicant who has difficulty submitting a written request.
- 6.7.** In circumstances where an applicant has difficulty submitting a written request, the College will:
- Make a note of the application over the telephone and then send the note to the applicant to confirm and return – the statutory time limit for a reply would begin here.
 - Direct the individual to a different agency that may be able to assist with framing their request.
- 6.8.** Where an applicant's request has been refused either because the information is accessible by other means, or the information is intended for future publication or research, the College, as a matter of good practice, will provide advice and assistance.
- 6.9.** The College will advise the applicant how and where information can be obtained, if it is accessible by other means.
- 6.10.** Where there is an intention to publish the information in the future, the College will advise the applicant of when this publication is expected.
- 6.11.** If the request is not clear, the College will ask for more detail from the applicant in order to identify and locate the relevant information, before providing further advice and assistance.
- 6.12.** If the College believes the applicant has not provided their real name, the College will inform the applicant that the request will not be responded to until further information is received from the applicant.
- 6.13.** If the College is able to clearly identify the elements of a request, it will respond following usual procedures and will provide advice and assistance for the remainder of the request.
- 6.14.** If any additional clarification is needed for the remainder of a request, the College will ensure there is no delay in asking for further information.
- 6.15.** Applicants are given two months to provide any requested clarification. If an applicant decides not to follow the College's advice and assistance and fails to provide clarification, the College is under no obligation to contact the applicant again.
- 6.16.** If the College is under any doubt that the applicant did not receive the advice and assistance, the College will re-issue it.
- 6.17.** The College is not required to provide assistance where an applicant's request is vexatious or repeated, as defined under section 14 of the Freedom of Information Act 2000.

6.18. Where the College has already sent a refusal request in relation to a previous vexatious request, the College is not obliged to send another notice for future vexatious requests.

6.19. An ongoing evidence log is kept, recording relevant correspondence or behaviour that has been taken into account when a request has been classed as vexatious.

6.20. The College is not required to provide information where the estimated cost of complying with a request exceeds the appropriate limit of £450 mentioned above. In such cases, the College will firstly provide the applicant with advice and assistance to help them reframe or refocus their request with a view to bringing it within the appropriate limit. Then the College will consider whether any information can be provided free of charge if the applicant refuses to reframe/refocus their request accordingly or pay the fee.

6.21. If a request is refined, it will be treated as a new request.

6.22. A record will be kept by of all the advice and assistance provided.

7. Consultation with third parties

7.1. The College may need to consult third parties about information held in scope of a request to consider whether it would be suitable to disclose the information. Situations where third parties may need to be consulted include the following:

- When requests relate to persons or bodies who are not the applicant and/or the College
- When the disclosure of information is likely to affect the interests of persons or bodies who are not the applicant or the College

7.2. The College will consider if a third party needs to be directly consulted about a request, particularly, if there are contractual obligations that require consultation before information is disclosed.

7.3. Third parties will also be consulted where the College is proposing to disclose information relating to them or information that is likely to affect their business or private interests. Third party information will be shared in the FOI if applicable to the request.

7.4. The views of third parties will be given appropriate weighting when deciding how to respond to a request. For example, if the third party created or provided the information, they may have a better understanding of its sensitivity.

7.5. It is the College's decision as to whether information in scope of a request will be released following any relevant consultation.

7.6. Where the College decides to release information following consultation with a third party, the third party will be informed in advance that the information is going to be disclosed.

7.7. Where the College intends to release information that relates to a large number of third parties, the College will consider whether it would be more appropriate to contact a representative organisation who can express views on behalf of the third parties, rather than contacting each party individually. If no representative organisation exists, the College may also consider only notifying or consulting a sample of the third parties relating to the disclosure.

8. Internal reviews

- 8.1. When responding to requests for information, the details of the College's internal review process will be set out, including information about how applicants can request an internal review. Applicants will also be informed of their right to complain to the ICO if they are still dissatisfied following the outcome of the College's internal review.
- 8.2. Requests for an internal review should be made in writing to the College.
- 8.3. For a request for an internal review to be accepted, it must be made within 40 school days from the date the College issued an initial response to the request.
- 8.4. Upon receipt of an application, the College will acknowledge an application and inform the applicant of the intended response date. Responses will usually be delivered within 20 school days of receipt of the application.
- 8.5. If an internal review is complex, requires consultation with third parties or the relevant information is of high volume, the College may need to extend the usual response timeframe. In these cases, the College will inform the applicant and provide an alternative response date. In most cases, the extension will exceed no more than a further 20 school days; however, the actual length of the extension will be decided on a case-by-case basis.
- 8.6. Where clarification is needed from an applicant regarding the review, the normal response period will not begin until clarification is received.
- 8.7. Wherever possible, the review will be undertaken by a different member of staff than the person who took the original decision.
- 8.8. During a review, the College will evaluate the handling of the request; particular attention will be paid to concerns raised by the applicant.
- 8.9. The applicant will be informed of the outcome of the review and a record will be kept of such reviews and the final decision that is made.
- 8.10. If the outcome of the review is to disclose information that was previously withheld, the information will be provided to the applicant at the same time they are informed of the response to the review, where possible. If this is not possible, the applicant will be informed of when the information will be provided.
- 8.11. Within the response to a review, the applicant will be informed again of their right to complain to the ICO.

9. Contracts and outsourced services

- 9.1. The College will make clear what information is held by third party contractors on behalf of the College.

9.2. Where a contractor holds information on the College's behalf (e.g. relating to a contract held with the College), this information is considered in the same way as information held by a public authority and so is subject to the Freedom of Information Act 2000.

9.3. When entering into a contract, the College and contractor will seek to agree what information will be considered to be held by the contractor on the College's behalf (this will be indicated in the contract).

9.4. The College will seek to put appropriate arrangements in place for the College to gain access to any information held by the contractor on the College's behalf, in the event that a freedom of information request is made. Any such arrangements will be set out in a contract, and may cover areas including the following:

- How and when the contractor should be approached for information and who the points of contact are
- How quickly information should be provided to the College
- How any disagreement about disclosure between the College and contractor will be addressed
- How requests for internal reviews and appeals to the ICO will be managed
- The contractor's responsibility for maintaining record keeping systems in relation to the information they hold on behalf of the College
- The circumstances under which the College must consult with the contractor about disclosure and the process for doing so
- The types of information which should not be disclosed and the reasons for this confidentiality, where appropriate

9.5. In some situations, the College may offer or accept confidentiality arrangements that are not set out within a contract with a third party. The College and the third party will both be aware of the legal limits placed on the enforceability of expectations of confidentiality and the public interest in transparency.

9.6. Such expectations outlined in section 9.5 will only be created where it is appropriate to do so.

9.7. Contractors must comply with requests from the College for access to information they hold on behalf of the College.

9.8. Requests for information held by a contractor on behalf of the College will be responded to by the College. If a contractor receives a request, this will be passed onto the College for consideration.

History

Date	Issue	Status	Comments
October 2023	1	New	
January 2025	2	New Format Update Dates	