



# EMMANUEL SCHOOLS FOUNDATION

## Freedom of Information Procedure



## Freedom of Information Procedure

### Introduction

Please read this procedure document in conjunction with the Freedom of Information Policy. This document explains the procedure for requesting information under the Freedom of Information Act 2000 (the **Act**).

### Publication Scheme

The publication scheme contains information which is available under the Act.

If hard copies of any of the documents within the publication scheme are required, please contact the Christine Taylor, Company Secretary at Emmanuel Schools Foundation (**ESF**), Trinity House, Sixth Avenue, Blyth, Northumberland, NE24 2SY, email: ctaylor@esf-mail.org.uk.

To help ESF process a request quickly, please clearly mark any correspondence '**PUBLICATION SCHEME REQUEST**' (in CAPITALS). All requests should:

- be in writing (including email or fax);
- state the enquirer's name and correspondence address;
- describe the information requested so that it is clearly identifiable;
- not be covered by other legislation (e.g. data protection or environmental information).

If the information being sought is not available via the publication scheme or on the ESF website please contact the Company Secretary at the above address to enquire if ESF holds the information. Please note that verbal requests are not covered under the Act.

All enquiries will be dealt with within 20 school days or 60 working days (whichever is shorter); if this deadline cannot be met, ESF will inform the enquirer. Failure to comply with this timescale is a breach of the Act.

### How to request information under the Freedom of Information Act

Requests must be written (which includes emails and fax). A request does not have to mention freedom of information or the Freedom of Information Act for it to apply under the Act.

All staff must familiarise themselves with the Freedom of Information Policy and Freedom of Information Procedure. The Principal will determine whether a request comes under the Act. All requests must be sent to the Company Secretary will be acted immediately upon receipt. No information can be given out without the consent of the Principal.

All requests are for information, not documents, and careful monitoring is in place to ensure consistency. No member of staff should supply documents to anyone without the prior consent of the Principal.

A member of staff should contact the PA to the Principal or the ESF Company Secretary immediately if they receive a request for information and are unsure whether it applies under the Act.

### Non-Disclosure of Requested Information

Information will not be disclosed if one or more of the following applies:

- there is an exemption to disclosure;
- ESF does not hold the information requested; or

- requests are considered vexatious or repeated.

Where the cost of compliance exceeds the statutory maximum of (£450), ESF does not have to comply with the request. However, where the statutory maximum is exceeded, ESF will inform the enquirer what the cost would be to provide the information and allow the enquirer the opportunity to pay the costs for ESF to be able to comply.

### **Exemptions**

There are two general categories for exemptions:

- absolute: where there is no obligation to confirm or deny the information is held, to disclose the information or consider the public interest test applies; and
- qualified: where, even if an exemption applies, there is a duty to consider the public interest test.

#### **Absolute Exemptions**

- The information is accessible by other means;
- the information was supplied by or relates to a body dealing with security matters;
- the information is a court record;
- the information's disclosure would infringe parliamentary privilege;
- the information's disclosure would constitute a breach of confidence actionable by the owner of that information;
- disclosure is not allowed by an enactment or by EU obligations or is punishable as contempt.

#### **Qualified Exemptions**

- The information is to be published at some future date and it is reasonable that it should be withheld until that date;
- the information is to be used for continuing programmes of research intended for future publication, provided that disclosure would, or would be likely to, prejudice a matter listed (including the programme itself or the interest of an individual participating in it);
- the retention is required to safeguard national security;
- the information's disclosure would be likely to prejudice defence;
- the information's disclosure would be likely to prejudice international relations or is confidential information obtained from an overseas state;
- the information's disclosure would be likely to prejudice relations between Westminster and the devolved authorities;

- the information's disclosure would be likely to prejudice the country's economic interests or the government's financial interests;
- the information is held for the purpose of certain investigations and/or proceedings as to improper or illegal conduct, fitness or competence;
- the information's disclosure would be likely to prejudice law enforcement activities including those relating to tax collection and immigration controls;
- the information relates to the audit of public authorities' accounts;
- the information relates to the formulation or development of government policy and ministerial communications (although statistical information used to provide an informed background to the taking of the decision is not to be regarded as exempt information);
- the information relates to communications with the Royal Family or the conferring of any honour or dignity;
- the information's disclosure would be likely to endanger an individual's health or safety;
- the information relates to the environment and is dealt with by other regulations relating to the Aarhus Convention;
- the information is legally privileged;
- the information constitutes a trade secret or its disclosure would, or would be likely to, prejudice the commercial interests of any person.

**Exemptions which may be qualified or absolute**

- The information's disclosure would inhibit the free and frank provision of advice or exchange of views within public authorities - qualified (absolute if the information is held by the Commons or Lords);
- the information is personal data where the applicant is the data subject (disclosure of which is covered by the Data Protection Act 1998) - absolute (qualified by section 40(2)(b) if sought about third parties).

**Applying the Public Interest Test**

Once it has been established that a qualified exemption applies to a request, ESF will apply the public interest test to establish whether the public interest in applying the exemption, outweighs the public interest in disclosing it.

Please note that what is in the public interest may not be the same as that which may be of interest to the public.

Factors taken into account when weighing up public interest include but are not limited to:

<b>For Disclosure</b>	<b>Against Disclosure</b>
Is the disclosure likely to increase access to information held by ESF?	Is disclosure likely to distort public reporting or be misleading because it is incomplete?

Is disclosure likely to give the reasons for a decision or allow individuals to understand decisions affecting their lives or assist them in challenging those decisions?	Is premature disclosure likely to prejudice fair scrutiny, or release sensitive issues still on the internal agenda or evolving?
Is disclosure likely to improve the accountability and transparency of ESF in the use of funds and help show that it obtains value for money?	Is disclosure likely to cause unnecessary public alarm or confusion?
Is disclosure likely to contribute to public debate and assist the understanding of existing or proposed policy?	Is disclosure likely to seriously jeopardise ESF's legal or contractual position?
Is disclosure likely to increase public participation in decision making?	Is disclosure likely to infringe other legislation?
Is disclosure likely to increase public participation in political processes in general?	Is disclosure likely to create a controversial precedent on the release of information or impair one's ability to obtain information in the future?
Is disclosure likely to bring to light information affecting public safety?	Is disclosure likely to adversely affect the Academy's proper functioning and discourage openness in expressing opinions?
Is disclosure likely to reduce further enquiries on the topic?	If a large amount of information on the topic has already been made available, would further disclosure shed any more light or serve any useful purpose?