



Freedom of Information Policy

Approved by Board

Date: 01.12.2022

Next review

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1. INTRODUCTION

1.1 The Learning Community Trust (the Trust) is subject to the Freedom of Information Act 2000 (FOI) as a public authority, and as such must comply with any requests for Information in accordance with the principles laid out in the FOI.

2. WHAT IS A REQUEST UNDER FOI

2.1 Any request for any information from the Trust is technically a request under the FOI, whether or not the individual making the request references the FOI. However, the Information Commissioner's Office (ICO) has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside the provisions of the FOI.

2.2 In all non-routine case, if the request is simple and the information is to be released, then the individual who received the request can release the information but must ensure that this is done within the timescale set out below. A copy of the request and response should then be sent to the Trusts Company Secretary:

Email: veronica.croft@lct.education

Or you can send a letter addressed to:

Company Secretary
C/O Hadley Learning Community
Waterloo Road
Hadley
Telford
TF1 5NU

2.3. All other requests should be referred in the first instance to the Company Secretary, using the contact details above, who may allocate another individual to deal with the request. If the request is received elsewhere within the Trust, it must be forwarded promptly to the Company Secretary, and in any event within 3 working days of receiving the request.

2.4. When considering a request under FOI, you must bear in mind that release under FOI is treated as release to the general public, and so once it's been released to an individual, anyone can access it, and you cannot restrict access when releasing by marking the information "confidential" or "restricted"

3 . TIME LIMIT FOR COMPLIANCE

3.1 The Trust must respond as soon as possible, and in any event within 20 working days of the date of receipt of the request. When calculating the 20-working day deadline, a working day is a school day (one in which pupils are in attendance), subject to an absolute maximum of 60 normal working days (not school days) to respond.

4. PROCEDURE FOR DEALING WITH A REQUEST

4.1 When a request is received that cannot be dealt with by simply providing the information, it should be referred in the first instance to the Company Secretary, using the contact details in paragraph 2.2 above, who may re-allocate to an individual with responsibility for the type of information requested.

4.2 The first stage in responding is to determine whether or not the Trust "hold" the information requested. The Trust will hold the information if it exists in computer or paper format. Some requests

will require the Trust to take information from different sources and manipulate it in some way. Where this would take minimal effort, the Trust is considered to “hold” that information, but if the required manipulation would take a significant amount of time, the requestor should be contacted to explain that the information is not held in the manner it has been requested and offered the opportunity to refine their request. For example, if a request requires the Trust to add up totals in a spreadsheet and release final figures, this would be information “held” by the Trust. If the Trust has to go through a number of spreadsheets and identify individual figures and provide a total, this is likely to not be information “held” by the Trust, depending on the time involved in extracting the information.

4.3 The second stage is to decide whether the information can be released, or whether one of the exemptions set out in the FOI applies to the information. Common exemptions that might apply include:

4.3.1 Section 40 (1) - the request is for the applicant's personal data. This must be dealt with under the subject access regime of data protection legislation, detailed in the Trust’s data protection policy, which can be found on the Trust’s website: [Learning Community Trust | Learning Community Trust](#)

4.3.2 Section 40 (2) - compliance with the request would involve releasing third party personal data, and would be in breach of the data protection principles, as set out in the Data Protection Policy;

4.3.3 Section 41 – information that has been sent to the Trust (but not the Trust’s own information) which is confidential;

4.3.4 Section 21 – information that is already publicly available, even if payment of a fee is required to access that information;

4.3.5 Section 22 – information that the Trust intends to publish at a future date;

4.3.6 Section 43 – information that would prejudice the commercial interests of the Trust and /or a third party.

4.3.7 Section 38 – information that could prejudice the physical health, mental health or safety of an individual (this may apply particularly to safeguarding information);

4.3.8 Section 31 – information which may prejudice the effective detection and prevention of crime – such as the location of CCTV cameras;

4.3.9 Section 36 – information which, in the opinion of the Chair of the Board of Trustees would prejudice the effective conduct of the Trust.

4.4 The sections mentioned in the italics are qualified exemptions. This means that even if the exemption applies to the information, we also have to carry out a public interest weighting exercise, balancing the public interest in the information being released, as against the public interest in withholding the information.

5 RESPONDING TO A REQUEST

5.1 When responding to a request where the Trust has withheld some or all of the information, the Trust must write to the requestor to explain why the information has been withheld, quoting the

appropriate section number and explaining how the information requested fits within that exemption. If the public interest test has been applied, this also needs to be explained.

5.2 The letter ends by explaining to the requester how they can complain using the Trusts Complaint Policy or by contacting the ICO.

6 CONTACT

6.1 Any questions about this policy should be directed in the first instance to the Company Secretary using the contact details under para 2.2 above.