



Freedom of Information Policy

Background

Under the [Freedom of Information Act 2000](#) (FoIA 2000) and [Environmental Information Regulations 2004](#) (EIR 2004) members of the public have the right to access information held by public authorities, including Acer Trust schools. There are two ways this access can be obtained; public authorities are obliged to publish certain information about their activities, and members of the public are entitled to request information from public authorities.

As far as the Acer Trust is concerned, the FoIA 2000 covers recorded information held by the schools including printed documents, computer files, letters, emails, photographs and sound or video recordings. Schools do not need to provide information they do not collect or hold as part of their regular routines.

The Acer Trust is committed to maintaining transparency in our dealings with the public. We make every effort to meet our obligations under the FoIA 2000 and EIR 2004, and regularly review their procedures to make sure this is always the case.

Types of information published

All recorded information held by the Acer Trust that apply to the business of the Trust can be provided following a Freedom of Information request. This includes:

- Information created and held by Acer Trust itself;
- Information created by the Acer Trust and held by another organisation on their behalf;
- Information held by the Acer Trust that was provided by third parties, but only where it relates to the function or business of the Trust, such as contractual information;
- Information held by the Acer Trust that is related to our Governors and Trustees, but only where it relates to the function or business of the schools.

Freedom of Information requests may be under the following categories:

- organisational information;
- financial information;
- strategy and performance information;
- policy proposals and decisions;
- current written protocols for delivering functions and responsibilities;
- information held in school registers; or
- the services that Acer Trust schools offer.

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Next Review Date	March 2025	Owner	Compliance Officer/COO	Approval Body	Trust Board

Some information held by the Acer Trust may not be shared, such as personal information, personal written communications between members of staff or commercially sensitive information.

Requesting information

If a member of the public requires a copy of information held by Acer Trust that can be provided under the FoIA 2000, they should contact the relevant Acer Trust school or Central Team directly by telephone, email or letter. Any correspondence requesting information should be clearly marked 'Freedom of Information Publication Request' so that the request can be processed more quickly.

The Acer Trust has a duty under the FoIA 2000 and EIR 2004 to provide advice and assistance to members of the public making Freedom of Information requests. This includes assisting the member of the public in making the application for information. Assistance will also be given to requesters whose Freedom of Information request needs to be transferred to another public authority (for example, Oxfordshire County Council).

Where a request is made directly to one of the Acer Trust schools and relates only to that school, the school will be responsible for processing and responding to the request on behalf of the Trust. Where a request is made to one of the Acer Trust schools that relates to the Trust or one or more other Acer Trust schools, the school will be responsible for passing the request on to the Central Team without delay, and the Central Team will be responsible for processing and responding to the request.

All Freedom of Information requests must be dealt with in full within 20 working days; this does not include school holidays.

Charging for information

Under the FoIA 2000, the Acer Trust may charge a fee for complying with Freedom of Information requests. This fee applies to the cost of copying and transmitting the information, not the time taken reaching a decision regarding whether the information is covered by an exemption.

If the Freedom of Information request means that a fee will be charged for photocopying and/or postage, the Trust will give written notice to the applicant before providing the requested information. There is a statutory maximum threshold of £450 for this fee; if we estimate that the costs will exceed this threshold, we may consider whether or not to comply with the request.

Withholding information

The Acer Trust may refuse to comply with a Freedom of Information request if it falls within one of the 23 exemptions listed under the FoIA 2000. There are two categories of exemption: absolute and non-absolute.

If an absolute exemption applies the Trust can automatically refuse to provide the information requested. This includes information held in relation to court proceedings, personal information, information supplied in confidence, information supplied by, or relating to, bodies dealing with security matters and so on.

If a non-absolute exemption applies the Trust can only withhold the information if it decides that it is in the public interest to do so. Non-absolute exemptions include information intended for future publication, investigations and proceedings conducted by public authorities, health and safety information, environmental information and so on. Where possible the school will explain its reasons for withholding the information and refer to the particular exemption.

For the full list of the 23 exemptions please refer to the [FoIA 2000, sections 21-44](#).

Only information covered by the exemption will be withheld. Complete files or documents will not be withheld because part of the information is covered by an exemption.

The Acer Trust will only apply an exemption either where we believe that prejudice might occur to the interest being protected by the exemption, or where we can demonstrate that the public interest will be best served by withholding (a so-called 'public interest' exemption).

When deciding whether to withhold information under a non-absolute exemption we will consider whether complying with the Freedom of Information request will promote further understanding of current issues of public debate; promote the accountability of decisions made by the Acer Trust including the allocation and spending of public money; bring to light public safety matters; help members of the public to understand and challenges decisions made by Acer Trust; be in the public interest in any other way.

Where an Acer Trust school receives a request directly, it should consider whether other schools in the Trust hold similar information. If this is the case, or even likely, the relevant school(s) should be contacted to ensure consistent responses are provided to the requester.

The Acer Trust may also refuse to comply with Freedom of Information requests where the request is considered 'vexatious or repeated' (FoIA 2000), or 'manifestly unreasonable' (EIR 2004).

Providing a third party's information

The Acer Trust will consider carefully requests for information belonging to a third party to prevent breach of confidence or, for living individuals, breach of the [Data Protection Act 2018](#) (DPA 2018). The FoIA 2000 and the EIR 2004 allow the withholding of information if releasing it would breach the DPA 2018.

If the information requested concerns a living individual and comprises 'personal data' under the DPA 2018, its release could breach this legislation. Thus, the Acer Trust will consider releasing third-party personal information according to the third-party provisions under the DPA 2018.

The Acer Trust will make every effort to gain consent to disclose information about a third party unless it is inappropriate to contact the individual in question. If consent is not obtained, then the Trust will consider if it is still reasonable to release the information while taking into consideration any duty of confidentiality owed to the third party; the steps taken to seek consent; whether the third party is able to give consent; and any express refusal of consent.

Also taken into account will be the impact disclosure of the information will have on the third party compared to the impact withholding the information will have on the requester. The Acer Trust is more likely to release the information if the third party has been acting

in an official capacity, for example, an expenses claim. Where the information concerns a matter that is private to the third party then the school is likely to withhold that information, for example, a disciplinary hearing.

The provisions of the DPA 2018 do not apply to organisations or deceased individuals.

Acer Trust will inform organisations and individuals submitting information that their information may be released following a Freedom of Information request. We will provide the supplier of information with an opportunity to request confidentiality or to give reasons why their information should be treated confidentially.

Providing information held in contracts with the Acer Trust

The Acer Trust can withhold information held in contracts with organisations and individuals if disclosure of that information under the FoIA 2018 or EIR 2004 could lead to an actionable breach of confidence. The Trust will only agree to include confidentiality clauses in their contracts where the information is confidential in nature, and thus covered by the exemption in the FoIA 2000 relating to information given in confidence.

The Trust can also withhold information held in contracts where any of the other 23 exemptions listed in the FoIA 2000 apply, such as information relating to commercial interests. Some of these exemptions will be subject to a 'public interests' test.

Whenever it is necessary to consider whether to release information it is the school that makes the final decision.

Complaints procedure

If the Acer Trust withholds information due to an exemption under the FoIA 2000, or for any other reason, it will tell the requester that they have a right to complain about this decision via the relevant Trust's complaints procedure, then their right of appeal to the Information Commissioner, and then, if necessary, their further right of appeal to an Information Tribunal. Following the complaints procedure, if the decision to withhold the information is reversed, then the information will be released to the requester without any undue delay.

Logging Freedom of Information requests received

Acer Trust and its schools will keep a record of all Freedom of Information requests received for monitoring purposes. The following information will be recorded:

- The date the request was received.
- The name and contact details of the person or organisation making the request.
- The date the request was fulfilled or refused.
- The reason for any exemption applied.
- The reason for any failure to meet the 20-day deadline.

Policy review

This policy is reviewed on a regular basis as part of the Acer Trust commitment to meeting our obligations under the relevant legislation regarding Freedom of Information requests.