



# Freedom of Information Policy

The Create Partnership Trust takes its responsibilities with regard to the management of the requirements of the Freedom of Information Act 2000 very seriously. This document provides the policy framework through which this effective management can be achieved and audited. It covers:

1. Scope of the policy
2. Responsibilities
3. Relationship with existing policies
4. Available Guidance
5. The Trust's Publication Scheme
6. Specific Requests for Information
7. Charges
8. Complaints
9. Exemption
9. Contacts

## 1. Scope of the Policy

The purpose of this policy is to ensure that the provisions of the Freedom of Information Act 2000 are adhered to and in particular that:

- a significant amount of routinely published information about The Trust's is made available to the public as a matter of course through a Publication Scheme;
- \* other information not included in the Publication Scheme is readily available on request and such a request is dealt with in a timely manner;
- and in cases where information is covered by an exemption, consideration is given as to whether or not the information should be released.

## 2. Responsibilities

The Trust recognises its corporate responsibility under the Act to provide a general right of access to information held. The person with overall responsibility for this policy is the DPO.

The HR Manager is responsible for drawing up guidance on freedom of information and promoting compliance with this policy in such a way as to ensure the easy, appropriate and timely retrieval of information.

## 3. Relationship with existing policies

This policy has been formulated within the context of the following Trust documents:

- Data Protection Policy
- Records Management and Retention Policy

#### **4. Available Guidance**

Guidance on the procedures necessary to comply with this Policy is available from the HR Manager and/or on Academy web pages.

#### **5. The Trust's Publication Scheme**

The Trust's Publication Scheme is available from the HR Manager. The Publication Scheme will specify:

- what information the Trust will make routinely available to the public as a matter of course;
- how it will do so, and,
- whether or not this information will be made available free of charge or on payment of a fee

#### **6. Specific Requests for Information**

Information not already made available in the Trust's Publication Scheme will be accessible through a specific request for information.

In this regard the Freedom of Information Act establishes two related rights:

- the right to be told whether information exists, and
- the right to receive the information (subject to exemptions)

These rights can be exercised by anyone – natural or legal persons, worldwide.

These specific requests for information not listed in the publication scheme will be dealt with by the HR Manager.

Any request must be made in a permanent form (for example in writing or by email) and a charge may be made for dealing with any request. Requestors will not be entitled to information to which any of the exemptions in the Act applies.

However, only those specific pieces of information to which the exemption applies will be withheld, and information covered by an exemption will be subject to review by the HR Manager.

The Trust must respond to any request within 20 working days although further reasonable details can be requested in order to identify and locate the information. If a fee is required, the period of 20 working days is extended by up to 3 months until the fee is paid.

#### **7. Charges**

Unless otherwise specified information made available through the Trust's Publication Scheme will be free of charge.

The Trust reserves the right to charge an appropriate fee for dealing with a specific request for information not listed in the publication scheme in accordance with the Act.

## **8. Complaints**

The DPO will coordinate any complaints received in respect of this policy.

The complaint should be addressed to the HR Manager in the first instance. The complaint will be acknowledged immediately and every reasonable effort will be made to offer a more comprehensive reply within 21 days.

If the applicant is not satisfied with the reply then they should inform the HR Manager within 21 days. The complaint will then be forwarded to the Business Director and will be dealt with as appropriate.

If applicants are dissatisfied with the outcome of the Complaints Procedure they may seek an independent review from the Information Commissioner.

## **9. Exemptions under the Act**

There are 23 exemptions under the Act, some exemptions where the public interest test applies, and others which are absolute exemptions. The full list of exemptions can be found at Appendix 1 of this policy.

The Trust may decide that some information it holds could be regarded as exempt information under the Act. Where a request is made for information which includes exemptions the Trust will consider the prejudice test and the public interest test, and may in some circumstances withhold the requested information.

## **10. Contacts**

HR Manager

[hr@createpartnershiptrust.org.uk](mailto:hr@createpartnershiptrust.org.uk)

DPO

[dpo@createpartnershiptrust.org.uk](mailto:dpo@createpartnershiptrust.org.uk)

## Appendix 1

### FOI - ABSOLUTE EXEMPTIONS

Exemptions where the public interest test does not apply:

- Section 21 - Information accessible by other means
- Section 23 - National Security - Information supplied by, or relating to, bodies dealing with security matters (a certificate signed by a Minister of the Crown is conclusive proof that the exemption is justified. There is a separate appeals mechanism against such certificates)
- Section 32 - Court Records
- Section 34 - Parliamentary Privilege - a certificate signed by the Speaker of the House, in respect of the House of Commons, or by the Clerk of the Parliament, in respect of the House of Lords is conclusive proof that the exemption is justified.
- Section 36 - Effective Conduct of Public Affairs - so far as relating to information held by the House of Commons or the House of Lords
- Section 40: Personal Information - where the applicant is the subject of the information. The applicant already has the right of 'subject access' under the Data Protection Act 1998; where the information concerns a third party and disclosure would breach one of the data protection principles
- Section 41 - Information provided 'In Confidence'
- Section 44 - Prohibitions on disclosure - where a disclosure is prohibited by an enactment or would constitute contempt of court.

### FOI - QUALIFIED EXEMPTIONS

Exemptions where the public interest test applies:

- Section 22: Information Intended For Future Publication
- Section 24: National security (other than information supplied by or relating to named security organisations, where the duty to consider disclosure in the public interest does not apply)
- Section 26: Defence
- Section 27: International relations
- Section 28: Relations within the United Kingdom Section 29: UK Economic Interests
- Section 30: Investigations And Proceedings Conducted By Public Authorities Section 31: Law Enforcement
- Section 33: Audit Functions
- Section 35: Formulation of government policy and Ministerial Communications
- Section 36: Prejudice to effective conduct of public affairs (except information held by the House of Commons or the House of Lords)
- Section 37: Communications with Her Majesty, the Royal Family or concerning honours
- Section 38: Health and Safety

- Section 39: Environmental Information - as this can be accessed through the Environmental Information Regulations
- Section 40: Personal information relating to a third party access request
- Section 42: Legal Professional Privilege
- Section 43: Commercial Interests