

## Vicarage Primary School Retention Policy 2022/23

The School recognizes that by efficiently managing its records, it will be able to comply with its legal and regulatory obligations and to contribute to the effective overall management of the institution. Records to provide evidence for protection the legal rights and interests of the school, and provide evidence for demonstrating performance and accountability. This document provides the policy framework through which this effective management can be achieved and audited. It covers:

- Scope
- Responsibilities
- Relationships with existing policies

### **1. Scope of the policy**

- 1.1 This policy applies to all records created, received or maintained by staff of the school in the course of carrying out its functions.
- 1.2 Records are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.
- 1.3 A small percentage of the school's records will be selected for permanent preservation as part of the institution's archives and for historical research. This should be done in liaison with the County Archives Service.

### **2. Responsibility**

- 2.1 The school has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Head of the School.
- 2.2 The person responsible for records management in the school will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely way. They will also monitor compliance with this policy by surveying at least annually to check if records are stored securely and can be accessed appropriately.

2.3 Individual staff and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the school's records management guidelines.

### **3. Relationship with existing policies**

This policy has been drawn up within the context of:

- Freedom of Information policy
- Data Protection policy
- Information Management Toolkit for schools IRMS

Signed: \_\_\_\_\_ [Head of School]

# Request for Information / Freedom of Information Act 2000 (FOIA)

## 1. Background

This guidance on Freedom of Information Act 2000 (FOIA) replaces the previous guidance sent to schools and educational establishments in November 2004.

This guidance contains up to date information on the Freedom of Information Act 2000 (FOIA) (this information has been obtained from the DFE and Information Commissioners websites). It is a legal right for any person to ask a school for access to information that it holds. The aim of the FOIA is to promote a culture of openness and accountability among public sector bodies and therefore improve public understanding of how public authorities (which include the governing bodies of maintained schools) carry out their duties, why they make the decisions they do and how they spend public money.

In principle, the FOIA enables people to access all information, including the reasoning behind decisions and policies, which do not fall under the DPA (Data Protection Act) or EIRs (Environmental Information Regulations).

For information:

- **Data Protection (DP) enquiries** (or subject access requests) are ones where the individual whom the information concerns asks to see what the school holds about them.
- **Environmental Information Regulations (EIR) enquiries** are ones which relate to air, water, land, natural sites, built environment, flora and fauna, and health, and any decisions and activities affecting any of these. These could therefore include enquiries about recycling, phone masts, school playing fields, car parking etc.
- **FOI enquiries** are concerned with all other information including the reasoning behind decisions and policies. All requests for information that are not DP or EIR are requests under the FOI Act.

Although FOI presumes openness, it recognises the need to protect sensitive information in certain circumstances and provides for exemptions.

Any request for information made in writing to a school since 1st January 2005 and which is considered 'non-routine' is a request under FOIA, EIRs, the DPA or a combination of any of them.

School governing bodies are responsible for ensuring that their school complies with the FOIA. The new legal presumption of openness since January 2005 makes it more important than ever that a school decides its policies and conducts its day-to-day operations in a way that stands up to public scrutiny. It should be noted that wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence and so a governing body, or any person who is employed by, or is an officer of, or is subject to the direction of the governing body (as the public authority) may be at risk of criminal proceedings.

The FOIA is overseen by the Information Commissioner. They also have responsibility for the Data Protection Act 1998 (DPA) (this act enables individuals to access information about themselves) and the Environmental Information Regulations 2004 (EIRs) (this act enables people to access environmental information).

## **2. Procedure on receiving an FOI request**

A freedom of information checklist for action on receipt of a request for information is attached to this guidance.

If information is refused, record reasons for not doing so e.g. it is held by others, it is exempt, too costly, not in the public interest. Further information about Freedom of Information can be obtained from:

[http://www.ico.gov.uk/for\\_organisations/freedom\\_of\\_information.aspx](http://www.ico.gov.uk/for_organisations/freedom_of_information.aspx)

## **3. Charging under the FOI Act**

There is a limit to the costs for the information being provided. If that cost exceeds £450 limit for schools, you can refuse the request:

To estimate whether the costs will be over the limit you can only include the following costs:

- determining whether your school holds the information;
- locating the information, or a document which may contain it;
- retrieving the information, or a document which may contain it; and
- extracting the information from a document containing it.

For the purpose of the estimate, you should cost the time taken on these activities at £25 per person per hour regardless of actual cost.

Your estimate cannot include the following costs:

- considering whether the information is exempt;
- redacting (removing) exempt information; or
- copying and sending information.

The guidance 'using the fees regulations' gives detailed advice on how to estimate costs and apply - this can be found on [www.ico.gov.uk/for\\_organisations/freedom\\_of\\_information/information\\_request/costs.aspx](http://www.ico.gov.uk/for_organisations/freedom_of_information/information_request/costs.aspx)

**Charging fees** - The 'Fees Regulations' accompanying the Act sets out the fees that can be charged for requests and the limits to the costs that may be incurred. This guidance can be found on:

[www.ico.gov.uk/for\\_organisations/freedom\\_of\\_information/information\\_request/costs.aspx](http://www.ico.gov.uk/for_organisations/freedom_of_information/information_request/costs.aspx)

If the cost of answering the request would be below the appropriate limit then you can only charge a fee to recover the costs of:

- contacting the requestor to inform them that the information is held;
- communicating the information to the requestor (e.g. photocopying, printing and postage); and
- putting the information into the format specified by the requestor.

These costs are often referred to as 'disbursements'.

You cannot charge for:

- staff time;
- removing exempt information from the information you are providing;
- or use of contractors or specialist staff.

If you intend to charge a fee you must send the requestor a fees notice within the normal 20 working days. The requestor then has three months in which to pay the fee and you do not have to provide the information until the fee is received. The time from when the fees notice is issued until the fee is received does not count towards the 20 day limit.

The guidance on 'charging a fee' explains what is involved in issuing a fees notice -this guidance can be found on:

[www.ico.gov.uk/for\\_organisations/freedom\\_of\\_information/information\\_request/costs.aspx](http://www.ico.gov.uk/for_organisations/freedom_of_information/information_request/costs.aspx)

If you estimate the cost of answering the request to exceed the appropriate limit, you are not obliged to provide the information but you can if you wish offer to provide it in return for a fee representing the cost of answering the request. In such a case the fee could include the cost of staff time (at £25 per hour) as well as the actual expenditure incurred. The guidance on 'using the fees regulations' explains this.

#### **4. Retention Policy**

Schools must ensure that they all have a working retention policy which has been agreed by the Governing Body and ensure that all staff are aware of it. (Policy attached)

You must ensure:-

- staff are aware of the rights of people to obtain information under the Act;

- a retention schedule is established, in line with the enclosed retention guidelines;

- there are procedures for keeping records of requests for information.

- all requests are recorded and dated when a request is made and the date when information is given. Remember there is a time limit of 20 working (school) days;

- a copy of the information provided is retained.

Schools must ensure records are kept for set periods of time according to the record type. The attached document "Retention Guidelines for Schools" produced by the Information Management Toolkit for Schools will assist schools with ascertaining the appropriate retention period for the record.

## 5. Data Protection Public Register

The school is registered on the Data Protection Public Register. If an enquirer is not happy with the outcome of their request or decision they are advised to follow the school's complaint procedures. Once this has been exhausted, the enquirer can then appeal to the Information Commissioner, for this purpose the following address should be provided:

**The Information Commissioner**, FOI Compliance Team (complaints), Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

### FREEDOM OF INFORMATION - CHECKLIST FOR ACTION ON RECEIPT OF A REQUEST FOR INFORMATION

Task to be undertaken		Completed	Not Required
Decide whether the request is a request Under:	DATA PROTECTION ACT		
	ENVIRONMENTAL INFORMATION REGULATIONS		
	FREEDOM OF INFORMATION ACT		
Decide whether the school holds the information or whether the request should be transferred to another body if the information is held by them.			
Provide the information if it has already been made public.			
Inform the enquirer if the information is not held.			
Consider whether a third party's interests might be affected by disclosure and if so consult them.			

Consider whether any exemptions apply and whether they are absolute or qualified		
Carry out a public interest test to decide if applying the qualified exemption outweighs the public interest in disclosing the information.		
Decide whether the estimated cost of complying with the request will exceed the appropriate limit - see paragraph 3 charging.		
If a request is made for a document that contains exempt personal information ensure that the personal information is removed by applying the appropriate editing procedures.		
Consider whether the request is vexatious or repeated.		

### Remember

Schools are under a duty to provide advice and assistance to anyone requesting information.

The enquirer is entitled to be told whether the school holds the information (the duty to confirm or deny) except where certain exemptions apply.

A well-managed records and management information system is essential to help schools to meet requests.

Requests should be dealt with within 20 working days excluding school holidays.

Wilfully concealing, damaging or destroying information in order to avoid answering an enquiry is an offence. A valid FOI request should be in writing, state the enquirer's name and correspondence address and describe the information requested.

Expressions of dissatisfaction should be handled through the school's existing complaints procedure.