SWECET (South West Essex Community Education Trust)

FREEDOM OF INFORMATION (FOI) POLICY

Approved by Finance, HR & Audit Committee on 3rd December 2025

Next review: November 2026

FREEDOM OF INFORMATION

INTRODUCTION

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 Act.

We are also required to provide an approved publication scheme of the types of class of information which the Trust holds. This document is published on the Trust website.

WHAT IS A REQUEST UNDER FOI?

Any request for any information from the Trust is technically a request under the FOI, whether the individual making the request mentions the FOI. However, the ICO has stated that routine requests for information (such as a parent requesting a copy of a policy) can be dealt with outside of the provisions of the Act.

In all non-routine cases, a copy of the request should be sent to FOIrequests@swecet.org This must be done promptly, and in any event within three working days of receiving the request. We may allocate another individual to deal with the request.

When considering a request under FOI, a release under FOI is treated as release to the public, and so once it has been released to an individual, anyone can then access it. Access cannot be restricted when releasing the information by marking it "confidential" or "restricted."

TIME LIMIT FOR COMPLIANCE

The Trust must respond as soon as possible, and in any event, within twenty working days of the date of receipt of the request. A "working day" is one in which pupils are in attendance, subject to an absolute maximum of sixty calendar days to respond.

The response time for an FOI request can be paused in the following circumstances:

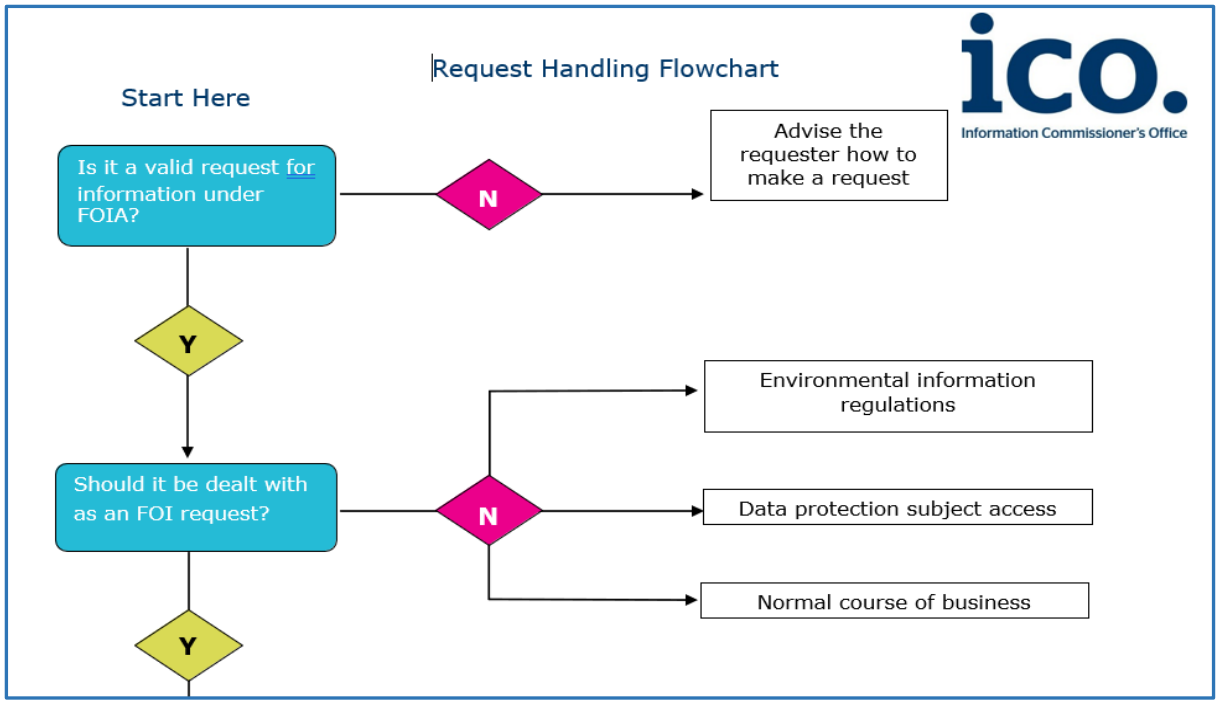
- Fees Notice – if there are any fees associated with providing the information then the 'clock' is paused from the day notice is given until the day payment is received.
- Clarification – if the request is unclear then the time limit does not start until it is clarified.

PROCEDURE FOR DEALING WITH A REQUEST

When a request is received, it should be referred in the first instance to FOIrequests@swecet.org who may re-allocate to an individual with responsibility for the type of information requested or collate as necessary.

First Stage

The Information Commissioner's Office (ICO) 'Request Handling Flowchart' (extract pictured below) provides an overview of the steps to follow when handling a request for information.



The first stage in responding is to determine whether the Trust "holds" 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 various 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 requested and offer the opportunity to refine their request.

For example, if a request required the Trust to add up totals in a spreadsheet and release the total figures, this would be information "held" by the Trust. If the Trust would have to go through several spreadsheets and identify individual figures and provide a total, this is likely not to be information "held" by the Trust, depending on the time involved in extracting the information.

If the information requested is not held, the requestor should be contacted in writing to explain that the information is not held.

Before deciding that the Trust does not hold any recorded information, the person dealing with the request should make sure that they have carried out adequate and properly directed searches, and that there are convincing reasons for concluding that no recorded information is held. If a requestor subsequently complains to the ICO that the Trust has not identified all the information that it holds, the ICO will consider the scope, quality and thoroughness of the searches that were undertaken and test the strength of the Trust reasoning and conclusions.

Second Stage

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

Section 40 (1) – the request is for the applicants' personal data. This must be dealt with under the subject access regime in the Data Protection Act 2018 (DPA), detailed in paragraph 9 of the GDPR (General Data Protection Regulations) Data Protection Policy;

Section 40 (2) – compliance with the request would involve releasing third party personal data, and this would be in breach of the DPA principles as set out in paragraph 3.1 of the GDPR Data Protection Policy;

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

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

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

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

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

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

Section 36 – information which, in the opinion of the Trust would prejudice the effective conduct of the Trust. There is a special form for this on the ICO's website to assist with obtaining the chair's opinion.

Note: The sections mentioned in italics are qualified exemptions. This means that even if the exemption applies to the information, a public interest weighting exercise must also be carried out, balancing the public interest in the information being released, as against the public interest in withholding the information.

RESPONDING TO A REQUEST

If the information is held

If the information being requested is held, there are several ways that the information can be made available to the requestor, including by email, as a printed copy or by arranging for the requestor to view the information. The information should be sent by whatever means is most reasonable, however, requestors have the right to specify their preferred means of communication, in their initial request. The original request should be checked for any preferences before sending out the information.

If the information being requested is included in the publication scheme, this information can be given out automatically, or provide a link to the requestor where the information can be accessed such as the relevant page on the Trust website.

If the requestor has made their request by email, and the information is an electronic document in a standard form, then it would be reasonable to reply by email and attach the information.

If some or all the information has been withheld

When responding to a request where the Trust has withheld some or all the information, the Trust must 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.

The letter should end by explaining to the requestor how they can complain – by writing to the Trust within 20 working days of the response being received, giving reasons for the appeal. A review will then be carried out internally by someone not involved in the original decision, usually at Governor level.

If the information is not held

The FOI act covers only covers information that is held. If the information that the requestor has asked for is not held, the Trust can comply with the request by informing the requestor in writing that the information is not held (subject to adequate searches for the information having been undertaken as per the requirements set out in the 'First Stage' section of this document).

CONTACT

Any questions about this policy should be directed in the first instance to FOIrequests@swecet.org