

Freedom of Information Requests to Schools – You really should know what the rules are

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A subject that comes up time and time again in various mediums, but it particular on my favourite haunt Edugeek.net is the topic of Freedom of Information requests being made to schools.

More often than not, these requests are being made to the IT departments or in relation to IT equipment and resources, and more often than not, these are being made for the purpose of business generation by supplier organisations. Instead of the old days of trying to get through the voicemail traps and savvy receptionists (or my favourite was keeping them on hold until they hung up), FoI has in recent years been the method of choice given the increased popularity with government organisation.

But like it or not, schools are a publicly funded organisation, and being publicly funded are bound but the same rules as Local Authorities and Central Government and its departments. We regularly demand to know where our hard earned tax payers money goes, and the fact is billions goes into education every year, so the public does have a right to know what it is being used for. Legitimate cases whereby a certain headteacher was found to have run up huge bills on expenses paid trips abroad and expensive nights out, the public has a right to know about.

It is to this end that I am, frankly, appalled to hear about and read about techniques to ‘get around’ FoI requests sent to schools, ranging from flat out ignoring to black listing email addresses to supplying false information. I am sure everyone has their own opinion on FoI, and more specifically the time and effort spent when one or several have to be responded to – I’m sympathetic, and more so when it is perfectly clear the requester is scrounging for business. All of the benefits and costs associated with this aside (you never know, you might get a great deal on a new set of print toners!), I’m mostly concerned with the lack of knowledge of FoI and what a school is responsible for. I am more concerned that all the information is easily available on the Information Commissioners Office website.

Links to important specific items surrounding what should you do when you receive a FoI request, what information can you respond with and when can you refuse are all available in the Resource Hub, but some important extracts directly from the ICO are below:

“Anyone has a right to request information from a public authority. You have two separate duties when responding to these requests:

to tell the applicant whether you hold any information falling within the scope of their request; and

to provide that information.

You normally have 20 working days to respond to a request.”

“As well as responding to requests for information, you must publish information proactively. The Freedom of Information Act requires every public authority to have a publication scheme, approved by the Information Commissioner’s Office (ICO), and to publish information covered by the scheme.

The scheme must set out your commitment to make certain classes of information routinely available, such as policies and procedures, minutes of meetings, annual reports and financial information.”

“You can refuse an entire request under the following circumstances:

It would cost too much or take too much staff time to deal with the request.

The request is vexatious.

The request repeats a previous request from the same person.

Some exemptions relate to a particular type of information, for instance, information relating to government policy. Other exemptions are based on the harm that would arise or would be likely arise from disclosure, for example, if disclosure would be likely to prejudice a criminal investigation or prejudice someone’s commercial interests.

There is also an exemption for personal data if releasing it would be contrary to the Data Protection Act.”

“The Act recognises that freedom of information requests are not the only demand on the resources of a public authority. They should not be allowed to cause a drain on your time, energy and finances to the extent that they negatively affect your normal public functions.

Currently, the cost limit for complying with a request or a linked series of requests from the same person or group is set at £600 for central government, Parliament and the armed forces and £450 for all other public authorities. You can refuse a request if you estimate that the cost of compliance would exceed this limit. This provision is found at section 12 of the Act.”

“When estimating the cost of compliance, you can only take into account the cost of the following activities:

determining whether you hold the information;

finding the requested information, or records containing the information;

retrieving the information or records; and

extracting the requested information from records.

The biggest cost is likely to be staff time. You should rate staff time at £25 per person per hour, regardless of who does the work, including external contractors. This means a limit of 18 or 24 staff hours, depending on whether the £450 or £600 limit applies to your public authority.”

I strongly believe that schools should be more aware, and likely through more direct guidance from the Department for Education, of what the Freedom of Information Act requires of them and how they should be dealing with requests.