

# Danbury Park Community Primary School



## Freedom of Information Policy

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*Be wise, be happy, belong*



# Danbury Park Community Primary School

## Freedom of Information Policy

### 1. Aims

- 1.1. At Danbury Park Community Primary School we believe that all pupils, staff and visitors have the right to be healthy, safe, educated, listened to and treated fairly. These principles are at the heart of our School ethos, and our policies and practices support these rights. Danbury Park Community Primary School is committed to equal rights, mutual respect and shared responsibility.

### 2. Introduction

- 2.1. It is the responsibility of the governing body to ensure procedures are in place to ensure that Danbury Park Community Primary School handles information requests covered by the Freedom of Information Act 2000 (FoIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR) in accordance with the provisions laid out therein and that the School satisfies the standards set out in the Lord Chancellor's Code of Practice on satisfying public authorities obligations under the FoIA, produced under section 45 of that act.
- 2.2. The DPA 1998 was superseded by the General Data Protection Regulations (GDPR) on 25<sup>th</sup> May 2018.
- 2.3. The School is committed to transparency in its dealings with the public and fully embraces the aims of the FoIA and the access provisions of the DPA. The School will make every effort to meet its obligations under the legislation and will regularly review procedures to ensure that it is doing so. The underlying principle of this policy is that the public have a right to access to recorded information held by the School and that the School should seek to promote an open regime regarding access to information, subject to the exemptions contained within the relevant legislation.

### 3. Background

- 3.1. The FoIA applies to all public authorities and came fully into force on 1st January 2005. It provides the public with a statutory right of access to recorded information held by authorities, subject to certain exemptions, within twenty working days. The Act is fully retrospective and applies to all information that falls within the scope of the Act, not just information created from 1<sup>st</sup> January 2005. Section 19 of the Act also obliges the School to make information pro-actively available in the form of an approved "publication scheme".
- 3.2. In addition, individuals currently have a statutory right of access to their own "personal data" under the GDPR. Individual access rights to personal data are extended by the FoIA through amendments to the access provisions of the GDPR.
- 3.3. The EIR provides a statutory right of access to "environmental information", as defined in these regulations. The EIR came into force on 1st January 2005 and replaces the existing 1992 Regulations. The EIR are also fully retrospective.



- 3.4. The Government's Information Commissioner enforces these three information regimes. Each regime contains certain categories of exempt information, where information can be withheld. Any decision to withhold information under an exemption can be referred by the applicant to the Information Commissioner, who can overturn any decision to withhold information.
- 3.5. For the purposes of this policy, the "public" is defined as any individual or organisation anywhere in the world and an "information request" refers to any request for recorded information made under the FoIA, EIR or GDPR.

## 4. Timescales

- 4.1. Freedom of Information requests should be dealt with within 20 working days, excluding School holidays following the date of receipt or 60 working days, excluding School holidays, following the date of receipt whichever is the shorter. A School day is any day on which there is a session and the pupils are in attendance. "Working days" exclude School holidays and training (INSET) days where the pupils are not present.
- 4.2. The response time will start from the time the request is received. Where further information is required, this will be requested as soon as practically possible from the applicant using the correspondence address provided and the clock will start once clarification has been received. Where a fee is payable, the clock will be paused until payment is received.
- 4.3. Subject Access Requests should be dealt with, within one month of receipt. This may be extended by a further two months for complex or numerous requests. If this is the case, the individual must be informed within one month of the receipt of the request with the reason why the extension is necessary. (See the School's Data Protection Policy for further information).
- 4.4. Requests for pupil education records should be dealt with, within 15 School days.

## 5. Delegated responsibilities

- 5.1. Overall responsibility for ensuring that the School meets the statutory requirements of the FoIA, EIR and GDPR lies with the School's Governing Body and the Headteacher has overall responsibility for information management issues. The Governing Body has delegated the day-to-day responsibility of implementation to the Headteacher.
- 5.2. The Headteacher currently fulfils the role of 'Fol Officer' and is assisted by the School Office Manager. The Headteacher and Office Manager will keep a record of all requests received for monitoring purposes, noting:
  - a) the date the request was made;
  - b) name and contact details of the person or organisation making the request;
  - c) the date the request was fulfilled or refused;
  - d) the reason for any exemption being applied, if appropriate;
  - e) the reason for any failure to meet the 20 day deadline, if appropriate.
- 5.3. All members of staff are responsible for ensuring that they handle requests for information in compliance with the provisions of the various Acts, taking advice from the Fol Officer where necessary.



## 6. Scope

- 6.1. This policy applies to all recorded information held by the School that relates to the business of the School. This includes:
- Information created and held by the School;
  - Information created by the School and held by another organisation on our behalf;
  - Information held by the School provided by third parties, where this relates to a function or business of the School (such as contractual information); and
  - Information held by the School relating to Governors where the information relates to the functions or business of the School.
- 6.2. This policy does not cover personal written communications (such as personal e-mails sent by staff). The School's Data Protection Policy establishes the standards regarding the use of "personal data" (as defined in the GDPR).

## 7. Requesting information

- 7.1. The School has a duty under both the FoIA and EIR to provide advice and assistance to applicants making information requests. This includes assisting the applicant in making the application for information.
- 7.2. In order to deal with requests as quickly and efficiently as possible, requests should be made in writing and marked '**FREEDOM OF INFORMATION REQUEST**' and submitted to the Headteacher. This can be delivered by post or by hand at the School's office reception desk or send by e-mail. Contact details for the Headteacher can be found at the end of the Publication Scheme.

## 8. Charges

- 8.1. The three information regimes contain different provisions that permit charges to be made for responding to information requests. The Governing Body may charge a fee for complying with requests, as calculated in accordance with FoIA regulations.
- 8.2. If a charge is to be made, the School will give written notice to the applicant before supplying the information requested. The School will only charge for the cost of copying and transmitting information, not for time taken in reaching decisions regarding whether information is covered by an exemption. Where the School estimates that the cost of locating the information will exceed the statutory threshold of £450, it will consider whether or not to comply with the request. The School is not obliged to comply with such a request but may choose to do so.

## 9. Publication

- 9.1. Section 19 of the FoIA obliges the School to make information pro-actively available in the form of a "publication scheme". This scheme will list categories, or "classes" of information that will routinely be made available without the need for a specific information request. The School will indicate in the scheme where it wishes to charge for providing particular categories



of information. The scheme is available as a separate document and published on the School's website.

- 9.2. The School plans to review this scheme regularly. Whenever any information is provided in response to a recorded FoIA enquiry, the School will assess whether the information is suitable for wider publication. In general, there will be a presumption in favour of publishing such information on the School's website.

## 10. Withholding Information

- 10.1. The FoIA contains 23 exemptions whereby information can be withheld. There are two categories; absolute and non-absolute. The School will only withhold information if it falls within the scope of one or more of these exemptions (see Appendix 1).
- 10.2. Where an absolute exemption applies, the School can automatically withhold the information. However, where the exemption is non-absolute the information can only be withheld where the School decides that the public interest is best served by withholding the information. Certain exemptions also contain a "prejudice test", which means that the exemption can only be claimed if disclosing the information would prejudice the interest protected by the exemption.
- 10.3. The School will only withhold information covered by the exemption. Complete files or documents will not be withheld just because part of the information is covered by an exemption. The School will only apply an exemption where it has reason to believe that prejudice might occur to the interest protected by the exemption. In addition, wherever a "public interest" exemption is being considered, the School will only withhold that information which it can demonstrate that the public interest will be best served by withholding. When considering withholding information under a non-absolute exemption the School will take into account whether the release of the information would:
- promote further understanding of current issues of public debate;
  - promote the accountability of decisions taken by the School and the spending and allocation of public money;
  - bring to light matters of public safety;
  - allows the public to understand and challenge decisions made by the School;
  - be otherwise in the public interest.
- 10.4. Where information is withheld under an exemption in most cases the reason behind the decision will be made clear to the applicant, citing the exemption under which the information is being withheld. The applicant will also be given details of the right to challenge the decision through the School's Governing Body and the right of appeal to the Information Commissioner's Office.
- 10.5. Where the School plans to apply an exemption, it will consider whether other Schools hold similar information. If this is considered likely, it may contact the relevant School(s) to ensure that a consistent response is provided to the applicant.
- 10.6. The School will also refuse to supply information under the FoIA, where the request is considered "vexatious" or "repeated" and under the EIR, where the request is considered 'manifestly unreasonable'.



- 10.7. The decision to withhold information will be made by the Headteacher, in conjunction with the Chair of the Governing Body.
- 10.8. Each case will be considered on its merits and records will be kept on any refusals made and the reasons for them. Records will be retained in accordance with statutory guidance (date of receipt + 6 years).
- 10.9. Applicants will be notified in writing of a refusal to provide the information explaining:
  - a) the fact the information cannot be provided;
  - b) which exemption(s) has been applied;
  - c) why the exemption(s) apply to the enquiry (if it is not self-evident);
  - d) reasons for refusal if based on cost of compliance;
  - e) in the case of qualified exemptions, how the public interest test has been applied, specifying the public interest factors taken into account before reaching the decision;
  - f) reasons for refusal on vexatious or repeated grounds;
  - g) the internal complaints procedure.

## **11. Releasing a third party's information**

- 11.1. Where, in response to a request, information belonging to a third party (either an individual or other organisation) has to be considered for release, the staff member that received the request will seek input from the FoI officer prior to the release of the information.
- 11.2. The release of third party information will be considered carefully to prevent actions for breach of confidence or, in the case of living individuals, breaches of GDPR. Both the EIR and FoIA permit information to be withheld when its release would breach the provisions of the GDPR.
- 11.3. When the requested information relates to a living individual and amounts to "personal data" as defined in the GDPR, its disclosure could breach the GDPR. Therefore the release of third party personal information relating to living individuals will be considered in accordance with the data protection principles and, in particular, the "third party" provisions of the GDPR.
- 11.4. Where appropriate, the School will contact the individual to ask for permission to disclose the information. If consent is not obtained, either because it was not considered appropriate to approach the third party or the third party could not be contacted or consent is refused, the School will then consider if it is reasonable to disclose the information, taking into account:
  - 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.
- 11.5. The decision to disclose third party information will also take into account the impact of disclosure on the third party, relative to the impact on the applicant of withholding the information. Where the third party has been acting in an official, rather than private capacity, the School will be minded to disclose the information, although decisions will be made on a case by case basis.



- 11.6. Where the information relates to a staff member, the provisions of the GDPR will still apply in many circumstances but the nature of the information will influence the School's decision whether to release the information. Where the information relates to a matter clearly private to the individual, e.g. a disciplinary hearing, the information will almost certainly be withheld. However, where the information relates to the member of staff acting in their official capacity, e.g. an expenses claim, the information will normally be released. The exemption relating to the release of a third party's personal data will not be used to withhold information about administrative decisions taken by the School.
- 11.7. As the GDPR only relates to living individuals, the exemption relating to Data Protection under both the EIR and FoIA will not apply to information held about a deceased person. Where the request might be controversial, the School will seek input from the FoI officer who will take advice from the Governing Body where necessary.
- 11.8. Where the third party is an organisation, rather than an individual, the provisions of the GDPR will not apply. The School will consider consulting the third party concerning the release of their information where:
- the views of the third party may assist the School to decide whether an exemption under the Act applies to the information and
  - in the event of the public interest test being applied, where the views of the third party may assist the School to make a decision relating to where the public interest lies.
- 11.9. Consultation will not be undertaken where:
- the School will not be disclosing the information due to some valid reason under the Act;
  - the School is satisfied that no exemption applies to the information and therefore cannot be withheld; and
  - the views of the third party will have no effect on the decision e.g. where there is other legislation preventing disclosure.
- 11.10. Where input from a third party is required, the response time for the request remains the same. Therefore it will be made clear to the third party at the outset that they have a limited time for their views to be provided and that where responses are not immediate, the decision to disclose may have to be made without their input in order for the School to comply with the statutory time limits dictated by the legislation.
- 11.11. The School will endeavour to inform individuals and organisations submitting information that the information might be released following an information request and, where appropriate, will provide the supplier of the information opportunity to request confidentiality or supply reasons as to why the information should be treated confidentially.

## **12. Information held within contracts with the School**

- 12.1. Any contractual information, or information obtained from organisations during the tendering process, held by the School are subject to the provisions of the FoIA and EIR. Whenever the School enters into contracts, it will seek to exclude contractual terms forbidding the disclosure of information beyond the restrictions contained in the legislation. A standard form of wording will be included in contracts to cover the impact of FoIA and EIR in relation to the provision of information held in contracts.



- 12.2. The School can withhold contractual information where its disclosure under either the FoIA or EIR could be treated as actionable breach of confidence. Where the School intends to include non-disclosure provisions in a contract, it will agree with the contractor a schedule of the contract that clearly states which information should not be disclosed.
- 12.3. The School will only agree to enter into confidentiality clauses where the information is confidential in nature and that it is confident that the decision to restrict access to the information could be justified to the Information Commissioner.
- 12.4. Where information is not covered by the exemption relating to information accepted in confidence, a further exemption specifically under FoIA may be relevant, relating to commercial interests. This exemption is subject to a “public interest” test. Whenever the School has to consider the release of such information, it will contact the relevant organisation to obtain its opinions on the release of the information and any exemptions they may think relevant. However, the School will make the final decision relating to the disclosure of the information.
- 12.5. The School can also withhold information contained in contracts where any of the other exemptions listed in the FoIA or EIR are appropriate, although information will only be withheld in line with the School’s policy on the use of exemptions. All future contracts should contain a clause obliging contractors to co-operate fully and in a timely manner where assistance is requested in responding to a FoIA or EIR request.

## **13. Redaction**

- 13.1. If a request for information is made for a document which contains exempt information, the document may be issued by blanking out the relevant exempt information.
- 13.2. The general procedure for redaction is:
  - the exempt information will be masked and then photocopied so nothing shows through;
  - an annotation will be provided in the margin against each redaction, stating which exemption and section of the Act applies.

## **14. Complaints Procedure**

- 14.1. Whenever the School withholds information under an exemption, or for any other reason, it will inform the applicant of their right to complain about the decision through the School’s complaints procedure and of the right of appeal to the Information Commissioner. Any complaint received will be dealt with in accordance with the School’s complaints procedure as detailed in its Complaints Policy.
- 14.2. If the result of the complaint is that any decision to withhold information be overturned, this information will be supplied as soon as it is possible.
- 14.3. If on investigation the original decision is upheld, then the applicant has the right to appeal to the Information Commissioner’s Office. Appeals should be made to the Information’s Commissioner’s Office.

They can be contacted at:





Information Commissioner,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF

or

Enquiry/Information Line: 01625 545 700  
E Mail: [publications@ic-foi.demon.co.uk](mailto:publications@ic-foi.demon.co.uk)  
Website: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## **15. Requests made under the General Data Protection Regulation (GDPR)**

- 15.1. GDPR entitles an individual to their 'personal data', as defined in that Act, where the information is held on an automated system, such as a computer and also manual files, where they amount to what the GDPR describes as an "accessible record" or in a structured filing system, defined in the GDPR as a "relevant filing system".
- 15.2. The parental right to receive information pertaining to the "educational record" of their child should continue to be administered under the Education (Pupil Information) (England) Regulations 2000. Whenever a request for personal data is received and is not covered by these regulations, the request will be administered in accordance with the relevant section of the School's FoIA operating procedures.
- 15.3. Whenever a request is made under GDPR for personal data, the School will provide the applicant with the relevant information contained within files relating to that individual that is accessible under both the GDPR and FoIA, subject to any exemptions.
- 15.4. Where it is not possible to remove third party information without rendering the response useless to the individual, the provision of third party information will be considered in line with section 11 of this policy regarding the disclosure of third party information.
- 15.5. GDPR contains the provision for numerous types of exemption. Therefore, all information will be reviewed prior to disclosure and if there are any concerns over the disclosure of the information or whether an exemption applies further advice will be sought from the School's Data Protection Officer.
- 15.6. Where the request is classed as a Subject Access Requests under GDPR it will be considered under the School's Data Protection Policies and dealt with according to the procedures outlined within.

## **16. Illegal actions**

- 16.1. It is a criminal offence under any of the three information regimes for members of staff to alter, deface or remove any record (including e-mails) following receipt of an information



request. Both the FoIA and EIR contain specific provisions to make such action a criminal offence.

## **17. Review of the Policy**

17.1. This policy is scheduled for review every two years.



## Appendix 1 : Exemptions

There are two general categories of exemptions:

- **Absolute:** where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest test; and
- **Qualified:** where, even if an exemption applies, there is a duty to consider the public interest in disclosing information.

Even when an exemption applies:

- The School will still provide you with reasonable advice and assistance, including suggesting an amended version of your request;
- The School can decide to ignore the exemption and release the information taking into account all the facts of the case

### Absolute Exemptions

Those which are most likely to be used are marked with an \*:

1. **\*Information accessible to the applicant by other means (Section 21):** If information is reasonably accessible to the applicant by a route other than the FoIA, it is exempt information. This is the case even if the applicant would have to pay for the information under that alternative route. This exemption will include cases where the information is available via the Publication Scheme or under other legislation, such as the GDPR.
2. **\*Personal information\* (Section 40)** (see also the qualified exemption part of Section 40): Where applicants ask to see information about themselves, this is exempt under the Act because it is covered by the GDPR.
3. **\*Court records\* (Section 32)** (see also the qualified exemption under Section 30 concerning investigations and proceedings conducted by public authorities): This applies to information related to proceedings in a court or tribunal or served on a public authority for the purposes of proceedings.
4. **\*Information provided in confidence (Section 41):** This relates to information obtained from a person if its disclosure would constitute a breach of confidence actionable in law by that, or another, person.
5. **\*Prohibitions on disclosure\* (Section 44):** Information is exempt where its disclosure is prohibited under any other legislation by order of a court or where it would constitute a contempt of court or where it is incompatible with any EC obligation.
6. **Information dealing with security matters (Section 23)** (see also qualified exemption under Section 24 on national security): This applies to information directly or indirectly supplied by, or relating to, bodies dealing with security matters such as GCHQ, MI5, MI6, Special Forces and the National Criminal Intelligence Service.
7. **Parliamentary Privilege (Section 34):** This exempts information if it is required for the purpose of avoiding an infringement of the Parliamentary privilege.
8. **Prejudice to the effective conduct of public affairs (Section 36)** (see also the qualified exemption part of Section 36): This relates to the maintenance of the collective responsibility of Ministers.



## Qualified Exemptions

Where a qualified exemption applies, there is an additional duty to consider the public interest in confirming or denying that the information exists and in disclosing information (see below). Those which are most likely to be used are marked with an \*:

1. **\*Personal information\* (Section 40)** (see also the absolute exemption part of Section 40): Where the information concerns a third party, it is exempt if its disclosure would contravene the GDPR, or the data protection principles; or if the person to whom the information relates would not have a right of access to it because it falls under one of the exemptions to the GDPR. The duty to confirm or deny does not arise in relation to this information if doing so would be incompatible with any of the above.
2. **\*Legal professional privilege\* (Section 42)**: Legal professional privilege covers any advice given by legal advisers, solicitors and barristers especially with regard to potential litigation. Generally such information will be privileged. This exemption covers all such information where a claim to legal professional privilege can be maintained in legal proceedings. The duty to confirm or deny does not arise where to do so would involve the disclosure of such information.
3. **\*Information intended for future publication\* (Section 22)**: If at the time the request was made, information is held with a view to publication, then it is exempt from disclosure if it is reasonable that it should not be disclosed until the intended date of publication. This could apply for instance to statistics published at set intervals, for example annually or where information is incomplete and it would be inappropriate to publish prematurely. Note the following:-
  - a. the intended publication does not have to be by the School, it can be by another person or body on behalf of the School
  - b. the date of publication does not have to be known, it could be at some future date (although it is recommended that some idea of a likely date is given)
  - c. the duty to confirm or deny does not apply if to do so would involve the disclosure of any of the relevant information
4. **\*Investigations and proceedings conducted by public authorities (Section 30)**: Information is exempt if it has at any time been held by us for the purposes of criminal investigations or proceedings, such as determining whether a person should be charged with an offence or whether a charged person is guilty, or investigations which may lead to a decision to institute criminal proceedings. The duty to confirm or deny does not apply to such information.
5. **\*Law enforcement\* (Section 31)**: Information which is not exempt under Section 30 Investigations and Proceedings, may be exempt under this exemption in the event that disclosure would, or would be likely to, prejudice the following among others:
  - a. the prevention or detection of crime
  - b. the apprehension or prosecution of offenders
  - c. the administration of justice
  - d. the exercise of functions such as ascertaining if a person has broken the law, is responsible for improper conduct, whether circumstances justify regulatory action, ascertaining a person's fitness or competence in relation to their profession, ascertaining the cause of an accident or protecting or recovering charities or its properties
  - e. any civil proceedings brought by us or on our behalf which arise out of an investigation carried out for any of the purposes mentioned above. The duty to confirm or deny does not arise where prejudice would result to any of these matters.



6. **\*Health and Safety\* (Section 38):** Information is exempt if its disclosure would or would be likely to endanger the safety or physical or mental health of any individual. The duty to confirm or deny does not arise where prejudice would result.
7. **\*Commercial interests (Section 43):** Information is exempt if it constitutes a trade secret or would be likely to prejudice the commercial interests of any person or body (including the Trust or its Academies).
8. **\*Environmental information\* (Section 39):** Information is exempt under FoI where it is covered by the Environmental Information Regulations (EIR). Environmental information can cover information relating to: air, water, land, natural sites, built environment, flora and fauna, and health. It also covers all information relating to decisions or activities affecting any of these. However, such requests will normally be dealt with under similar principles to those set out in the policy.
9. **Audit Functions (Section 33):** Information is exempt if its disclosure would, or would be likely to prejudice the exercise of an authority's functions in relation to the audit of the accounts of other public authorities. It does not apply to internal audit reports.
10. **Formulation of government policy (Section 35):** Information held is exempt information if it relates to the formulation or development of government policy, ministerial communications, advice by Law Officers (e.g. Attorney General) and the operation of any Ministerial private office.
11. **National security (Section 24)** (see also absolute exemption 23): Information is exempt for the purposes of safeguarding national security.
12. **Defence (Section 26):** Information is exempt if its disclosure would prejudice the defence of the UK.
13. **International relations (Section 27):** Information is exempt if its disclosure would or would be likely to, prejudice relations between the UK and any other state, international organisation.
14. **Relations within UK (Section 28):** Information is exempt if its disclosure would or would be likely to, prejudice relations between any administration in the UK i.e. the Government, Scottish Administration, Northern Ireland Assembly, or National Assembly of Wales.
15. **The economy (Section 29):** Information is exempt if its disclosure would, or would be likely to prejudice the economic or financial interests of the UK
16. **Prejudice to the conduct of public affairs (Section 36)** (excluding matters covered by the absolute exemption part of Section 36): Information likely to prejudice the maintenance of the convention of the collective responsibility of Ministers or likely to inhibit the free and frank provision of advice or exchange of views.
17. **Communications with the Queen (Section 37):** Information is exempt if it relates to communications with the Queen, the Royal Family or Royal Household or if it relates to the award of honours. The duty to confirm or deny does not arise where this exemption applies.

### **Public Interest Test**

Having established that a qualified exemption(s) definitely applies to a particular case, the School is then required to carry out a public interest test to identify whether the public interest in applying the



exemption outweighs the public interest in disclosing it. Unless it is in the public interest to withhold the information, the information should be released.

What is in the public interest is not necessarily the same as that which may be of interest to the public. It may be irrelevant that a matter may be the subject of public curiosity.

Factors that might be taken into account when weighing the public interest include:

#### **For disclosure**

1. Is disclosure likely to increase access to information held by us?
2. Is disclosure likely to give the reasons for a decision or allow individuals to understand decisions affecting their lives or assist them in challenging those decisions?
3. Is disclosure likely to improve our accountability and transparency in the use of public funds and help to show that we obtain value for money?
4. Is disclosure likely to contribute to public debate and assist the understanding of existing or proposed policy?
5. Is disclosure likely to increase public participation in decision-making?
6. Is disclosure likely to increase public participation in political processes in general?
7. Is disclosure likely to bring to light information affecting public safety?
8. Is disclosure likely to reduce further enquiries on the topic?

#### **Against disclosure**

9. Is disclosure likely to distort public reporting or be misleading because it is incomplete?
10. Is premature disclosure likely to prejudice fair scrutiny, or release sensitive issues still on the internal agenda or evolving?
11. Is disclosure likely to cause unnecessary public alarm or confusion?
12. Is disclosure likely to seriously jeopardise our legal or contractual position?
13. Is disclosure likely to infringe other legislation e.g. GDPR?
14. Is disclosure likely to create a controversial precedent on the release of information or impair our ability to obtain information in the future?
15. Is disclosure likely to adversely affect our proper functioning and discourage openness in expressing opinions?
16. If a large amount of information on the topic has already been made available, would further disclosure shed any more light or serve any useful purpose?

In considering the above, the School acknowledges that:

1. Potential or actual embarrassment to, or loss of confidence in, the School, staff, Trustees or governors is NOT a valid factor.
2. The fact that the information is technical, complex to understand and may be misunderstood may not of itself be a reason to withhold information.
3. The potential harm of releasing information will reduce over time and will therefore be considered at the time the request is made rather than by reference to when the relevant decision was originally taken.
4. The balance of the public interest in disclosure cannot always be decided on the basis of whether the disclosure of particular information would cause harm, but on certain higher order considerations such as the need to preserve confidentiality of internal discussions.
5. A decision not to release information may be perverse i.e. would a decision to withhold information because it is not in the public interest to release it, itself result in harm to public safety, the environment or a third party?
6. Where the balance of the public interest lies in disclosure or the factors are equally balanced, disclosure will normally be favoured and the information requested made available.