



LONDON PROFESSIONAL ACADEMY (LPA)

FREEDOM OF INFORMATION POLICY

Title: FREEDOM OF INFORMATION POLICY (LPA)

Approved date: Sept, 2022

Approved by: London Professional Academy

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AIM

The Freedom of Information Act 2000 (FOIA) promotes greater openness and accountability across the public sector by giving the public a right of access to all recorded information held by colleges & other public authorities.

LCA is committed to making as much information as possible about activities generally available to the public either through published documents (including those published on LPA website), or on request.

This Freedom of Information Policy sets out the arrangements for ensuring it meets legislative responsibilities under (FOIA).

Under the Act, LPA has a legal obligation to provide information through an approved publication scheme and in response to valid requests made by individuals to LPA, under the Act. Information that is held by LPA in a recorded (paper or electronic) format can be requested under the Act and, subject to any relevant exemptions, will need to be disclosed. Disclosures under the Act are disclosures into the public domain. This includes recorded information, printed documents, computer files, letters, emails, photographs and sound or video recordings.

The Act does not give people access to their own personal data (information about themselves). Access to personal data is covered under the General Data Protection Regulation (GDPR), and LPA has developed a separate policy in respect of how LPA deals with its obligations under the GDPR.

RELATED POLICIES

- IOC Guide To Freedom of Information: <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>
- Safeguarding Policy.
- Public Interest Disclosure (Whistleblowing) Policy
- Data Protection and GDPR Policy
- Rights of Individuals under the GDPR Policy and Procedure.

Other policies and documents may be identified from time to time as circumstances change and may be added to this list.

LPA will give access to information, except for any exempt information, following a valid request and the payment, where appropriate, of the fee within 20 LPA days or 60 working days, whichever is shorter.

There will be occasions where LPA does not hold the information requested or when it can refuse to give access to the requested information. If a refusal is made, LPA will give reasons

for the refusal and list any applicable exemptions (providing reasons for the public interest test being better served by non-disclosure, then by disclosure, where necessary).

LPA has implemented an Internal Review Appeals Process against a refusal to give access, which is set out as a policy.

IMPLEMENTATION, MONITORING AND REVIEW

- Publication of information listed in the Publication Scheme will be the responsibility of the relevant LPA manager
- The Publication Scheme is included within this Policy, and the materials it covers will be readily available from LPA and where appropriate published on LPA website
- In addition to the information listed in the Publication Scheme, LPA will share any other information that it holds, as quickly as possible and without charge, unless it is properly exempt under the Act, for example where it is not held by LPA or the information reasonably accessible through another route (i.e. already within the public domain), information in respect of an investigation that relates to criminal proceedings, either current or potential
 - relates to the prevention or detection of crime
 - relates to court records, including information relating to legal proceedings
 - is personal information
 - is information provided in confidence
 - is planned to be publicly disclosed in the future
 - is likely to endanger health and safety
 - is covered by legal privilege
 - would prejudice commercial interests, or
 - is vexatious or repeated

This is not an exhaustive list, and should a request be received, it should be forwarded immediately to the Principal or Senior Management Team (SMT). The statutory timescale starts to run as soon as it is received by LPA (no matter who within the academy initially received the request).

Access to information held by LPA under the Act will be overseen by the Principal or SMT.

LPA will:

- Publish on LPA website and in printed form.
- Provide assistance to persons wishing to access information but who are unclear about the process
- Acknowledge access requests within 5 working days of receipt
- Where further details of the information requested are needed before the access request can be dealt with, send a letter or email requesting that information within 5 working days of receipt of the access request

- Fees may be charged in line with ICO guidance. Where a fee is to be paid, send a letter or email, setting out details of the fee to be paid within 5 working days of the receipt of the access request or, where applicable, further details of the information request are received
- Make the information accessible in the form which the applicant requests within 20 working days of receipt of the original request (or 60 working days, whichever is shorter) or within 20 working days of the receipt of clarification about the request if it was required (or 60 working days whichever is shorter)
- In some instances, an extension to the timescale may be required due to the length of time that is required to consider the public interest arguments under the Act in respect of possible disclosure of the requested information
- LPA will notify the person requesting the information of the extension which should be completed as promptly as possible and in any event within an additional twenty working days
- Where the information is exempt or the access request is vexatious or repeated, the Principal or SMT will send a refusal notice to the applicant setting out the reason for refusal with, where necessary, the category of exemption claimed, any public interest test considerations and drawing attention to the appeals procedure
- Where the information is exempt, the Principal or SMT will decide whether to confirm or deny or not in the refusal notice the existence of the information following the guidance in the Act
- Where the refusal is on the grounds that the information is available elsewhere, the Principal or SMT will, in the refusal notice, guide the applicant as to where to access the information
- The SMT will direct any appeals to the Principal within two days of receipt
- The Principal will complete the appeals process
- For each individual request, the report will give: The date of the request, the subject(s) of the request, whether the request was made by an individual or a legal person, such as a company or corporation, the LPA's response to the request, where the response to the request was to give access, the time taken to satisfy the request, and whether a fee was charged, where the response to the request was to refuse access the reason for the refusal including the category of the exemption cited where applicable, and the response of the applicant to the refusal, where an appeal against a refusal was made and the outcome of the appeal
- The report will not provide names or other personal details of applicants
- Relevant details will be given where refusal to give access has been made on the grounds of 'repeated requests' which will then include a note showing which requests were made by the same person
- This Policy will be reviewed every three years and updated, as applicable, to ensure that it remains appropriate in the light of any relevant changes to the law, organisational policies or contractual obligations.

INTRODUCTION

The Act places a duty on LPA to put a process in place to ensure that applicants are able to appeal and seek an internal review if they are not content with LPA's decision concerning the release of information. This provides a first review stage for the applicants (internal review appeal process).

INTERNAL REVIEW APPEAL PROCESS

PRINCIPLES

If the Deputy Principal Curriculum & Innovation refuses to supply the information requested, or the applicant is dissatisfied with the response or feels that a fee has been applied unfairly they may ask for an internal review of that decision.

The following principles will apply when considering an appeal request:

- The Principal will undertake the review
- If the applicant has not received a response to a request for information within 20 working days, it may be regarded that LPA has refused the request; the individual therefore has a right of appeal
- All reviews will make an assessment of the information released against the information requested and make a full review of the information associated with the original application
- The reviewer will discuss the decisions made with the staff members concerned with the original request in order to gain a full picture of how decisions were made
- The reviewer may contact the applicants at their own discretion
- The reviewer may obtain advice from external sources including legal advice
- Conclusions will be summarised and handed to the Principal or SMT who will log them centrally for future reference
- An internal review must be completed before an appeal can be made to the Information Commissioner.

TIMESCALES

- LPA will aim to deal with complex appeals within 20 working days of the receipt of the appeal
- If it becomes clear at any stage of the appeal that the above timescales cannot be met, LPA will inform the applicant in writing and give a revised deadline for completion of the review.

OUTCOMES OF INTERNAL REVIEW APPEAL PROCESS

An internal review may have three outcomes:

- the original decision is reversed
- the original decision is amended

- the original decision is upheld.

Whatever the outcome of the appeal the complainant will be informed in writing with appropriate information about what will be provided should a decision be reversed or amended.

REQUESTING AN INTERNAL REVIEW

Requests for internal review should be submitted in writing to the Principal or SMT. If the applicant is not happy with the outcome of the internal review, they have the right to request a review externally to LPA. Requests for such an external review should be made in writing to:

The Information Commissioner
London Borough of Barking & Dagenham
Barking Town Hall
1 Town Square
Barking
IG11 7LU
dpo@lbbd.gov.uk
0208 227 2061