



# Athena Learning Trust

## Trust-wide

# Freedom of Information Request Procedure

### **Review**

Reviewed on: 31st October 2022

Reviewed by: Board

Review Period: 3 years





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## **PART A**

### **1.1. Application**

This Athena Learning Trust Freedom of Information Request Procedure applies to the Athena Learning Trust as a whole and to all the schools in the Trust and the Trust Shared Service, in accordance with and pursuant to the Freedom of Information Policy of the Athena Learning Trust.

The Athena Learning Trust, including all the schools, Trustees, governors and staff, must abide by this Athena Learning Trust Freedom of Information Request Procedure.

This Procedure is subject to the Trust's Scheme of Delegation for Governance Functions. If there is any ambiguity or conflict then the Scheme of Delegation and any specific alteration or restriction to the Scheme approved by the Board of Trustees takes precedence.

In implementing this procedure and associated policies and procedures the governing body, Head Teacher or Principal and school staff, and Trust Shared Service staff, must take account of any advice or instruction given to them by the Athena Learning Trust external Data Protection Officer (Judicium).

If there is any question or doubt about the interpretation or implementation of this Procedure, the Athena Learning Trust CEO should be consulted.

### **1.2. Approval and review**

Maintenance of this Procedure is the responsibility of the Athena Learning Trust CEO.

This Procedure was approved by the Board of Trustees on: 20 October 2022

This Procedure is due for review by: October 2025

### **1.3. Terminology**

The Trust means the Athena Learning Trust.

- School means a school within the Athena Learning Trust.
- Principal / Head Teacher means the Principal or Head Teacher of the school.
- CEO means the chief executive officer of Athena Learning Trust.
- Governors and Trustees includes governors, Trustees, non-governor members of Trust Committees and members of the Trust Board.
- Governing Body means the committee of the Board of Trustees to which Trustees have delegated appropriate powers and functions relating to the governance of the school.

- Athena Learning Trust Data Protection Officer means Judicium Consulting Ltd.
- School Data Protection Lead means the point of contact for data protection matters for members of staff, students and parents within the school
- Data Subject means an individual about whom personal information is stored.
- Data Controller means the organisation storing and controlling information regarding data subjects which is Athena Learning Trust.

In this policy references to the Athena Learning Trust will be read as including the Trust Shared Service and all schools in the Athena Learning Trust.

References in this Procedure to a school in the Trust should also be read as the Trust Shared Service for services, functions and members of staff of the Trust that are not contained within a school budget and/or are not the responsibility of a Principal and/or Governing Body. With respect to the Trust Shared Service, references in this Policy to the responsibilities of the Principal and Governing Body should be read as the Athena Learning Trust CEO and the Trust Shared Services Committee respectively.

#### **1.4. Responsibilities**

It is the responsibility of the governing body and Principal of each school, and the Board of Trustees and Athena Learning Trust CEO for the Trust Shared Service, to ensure that their school/service and its staff adhere to this Athena Learning Trust Data Protection Policy.

For the purposes of data protection legislation the Athena Learning Trust is the Data Controller, and can be contacted by writing to Athena Learning Trust.

The Athena Learning Trust Head of Governance and Compliance is: Georgina Fahey  
Email: [foi@athenalearningtrust.uk](mailto:foi@athenalearningtrust.uk)

The Athena Learning Trust Data Protection Officer is: Judicium Consulting Limited.

Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)  
Address: 72 Cannon Street, London, EC4N 6AE  
Telephone: 0203 326 9174

Schools may appoint a School Data Protection Lead to be the point of contact for data protection matters for members of staff, students and parents of their school, and to liaise with the Athena Learning Trust Data Protection Officer (Judicium) and Trust Head of Governance and Compliance.



## **1.5. Associated policies and procedures**

This Athena Learning Trust Freedom of Information Request Procedure is a constituent part of the Athena Learning Trust Freedom of Information Policy.

## **PART B**

### **2. Dealing with requests for information**

Information provided under this Procedure will be provided in accordance with the relevant Publication Scheme of the Trust or of the individual school.

Not every request for information has to be handled formally as a request under the Act. If it can be dealt with quickly and easily, the information should be provided.

If it is not clear what information is sought, the applicant should be asked to clarify their request.

In the first instance, persons seeking information about the Trust or its schools should be referred to the relevant Publication Scheme of the Trust or school, and to check if it is available on the school or Trust website.

For a request to be valid under the Act it must be in writing (which includes email), but requesters do not have to mention the Act or direct their request to a designated member of staff. Any letter or email to a public authority asking for information is a request for recorded information under the Act.

Requests for information held by the Trust that is not published under the appropriate publication scheme or that has not been made available following a simple enquiry to the school or service concerned may be submitted as a formal request under the provisions of the Freedom of Information Act.

A request from an individual to see any personal information held about them by the Athena Learning Trust will be dealt with in accordance with the Athena Learning Trust Subject Access Request Procedure, not through this Procedure.

As soon as a request for information invokes the FOI Act notification should be sent to the Athena Learning Trust Head of Governance and Compliance by email – see section 1.4

The request must be acknowledged immediately. The acknowledgement must confirm if the information requested is held, except in exceptional circumstances where it is not required to confirm or deny if the information is held (for example if information is sought about criminal activity which could prejudice a Police investigation).



The information requested must be provided within 20 school days, but this does not start until any necessary clarification has been provided. When calculating the 20 working day deadline, a “working day” is a school day (one in which pupils are in attendance), subject to an absolute maximum of 60 normal working days (not school days) to respond.

Information should be provided by whatever means is most reasonable. For example, if a request is made by email, it should be answered by email. However, requesters have the right to specify the means by which information is provided.

The Act only covers recorded information held by an organisation. When compiling a response to a request for information, it may be necessary to draw from multiple sources of information held but there is no requirement to make up an answer or find out information from elsewhere if the information is not held. The requester should be advised of this in writing.

Before disclosure, information must be very carefully checked to ensure it does not contain personal data or information that should be withheld.

The Athena Learning Trust Data Protection Officer (Judicium) must be consulted about any refusal to provide information on the basis of data protection prior to notifying the applicant.

Information must be released unless there is a good reason not to. Reasons for not disclosing are:

- It would cost too much or take too much staff time to deal with the request (18+ hours).
- The request is vexatious.
- The request repeats a previous request from the same person.
- An exemption in the Act applies.

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

Further information is available on the Information Commissioner’s website at:

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>

If refusing a request, the individual should be told that they may complain to the Information Commissioner at:

<https://ico.org.uk/concerns/getting/>

The responses to the requester, including a copy of the information provided must be sent to the Athena Learning Trust Head of Governance and Compliance by email to: [foi@athenalearningtrust.uk](mailto:foi@athenalearningtrust.uk)