



TFT Freedom of Information Policy 2026

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Reviewed by: Operations & Procurement Business Partner and Trust GDPR Coordinator

Agreed by Trustees: March 2026

Date of Next Review: March 2027, or earlier in response to statutory changes

Contents

1. Aims	3
2. Legislation and guidance	3
3. What is a request under FOI	3
4. Roles and responsibilities	3
5. FOI Principles	4
6. Procedure for Dealing with a FOI Request	6
7. Response Time Requirements	7
8. Complaints	8
9. Training	9
10. Links with Policies	9
11. Contact	9

1. Aims

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.

2. Legislation and guidance

This policy meets the requirements of:

- Freedom of Information Act 2000 (FOIA) – the statutory framework providing a general right of access to recorded information held by public authorities, including academy trusts.
- Environmental Information Regulations 2004 (EIR) – which apply to environmental information and operate alongside FOIA.

The policy is informed by guidance published by the Information Commissioner’s Office (ICO) on the operation of FOIA and EIR, as well as the ICO’s Model Publication Scheme.

3. What is a request under FOI

- Any request for recorded information held by the Trust is considered a Freedom of Information request, regardless of whether the requester references the FOIA.
- Routine requests—such as parents asking for publicly available documents—may be managed outside the FOIA regime.
- If the request is non-routine but simple and clearly releasable, staff may provide the information, ensuring response within FOIA timescales.
- All other FOI requests must be referred to the FOI Lead within three working days.
- Information released under FOIA is considered public release; marked restrictions such as “confidential” cannot be applied.

Other Requests (Environmental Information Regulations - EIR)

Requests relating to environmental matters — such as land, water, air quality, pollution, chemicals, or buildings — fall under the Environmental Information Regulations (EIR). EIR requests may be verbal and follow similar procedures to FOIA.

4. Roles and responsibilities

This policy applies to **all staff** employed by Trust, and to external organisations, volunteers and other individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

4.1 Board of Trustees

The Board of Trustees has overall responsibility for ensuring that the Trust complies with all relevant Freedom of Information obligations.

4.2 Headteachers

Headteachers are responsible for ensuring that their school complies with the Freedom of Information Act 2000 and with this policy.

4.3 Freedom of Information Lead

The Trust has nominated the following individual as the designated internal contact for all matters relating to Freedom of Information (FOI) and Environmental Information Regulations (EIR). This includes providing advice, coordinating responses to information requests, and ensuring compliance with statutory obligations.

Richard Perry, Trust Operations and Procurement Business Partner

Contact: Richard.perry@thefuturetrust.org.uk

4.4 All staff are responsible for:

Identifying and handling requests for information appropriately, ensuring that any written request for recorded information is recognised as a potential FOI or EIR request.

Forwarding all FOI and EIR requests immediately to the Trust's designated FOI Lead, in line with statutory deadlines.

Maintaining accurate and accessible records to support transparency and enable timely responses to requests.

Ensuring information is stored securely and managed appropriately, so that it can be retrieved efficiently when required under FOIA or EIR.

Informing their line manager or the FOI Lead if they become aware of missing, inaccurate, or incomplete information that may be required to respond to a request.

Seeking guidance from the FOI Lead in the following circumstances:

- If they are unsure whether a request qualifies as an FOI or EIR request
- If they have concerns about the release of information, including confidentiality, safeguarding or commercial sensitivity
- If they believe an exemption may apply and require advice
- If information requested may involve third-party data, legal privilege, or commercially sensitive material
- If the request appears complex, high-risk, or potentially vexatious

Providing timely support in locating, retrieving, or clarifying information held within their area of responsibility.

Alerting the FOI Lead immediately if they believe any information relevant to an FOI request has been accidentally destroyed, altered, or cannot be located.

Not deleting or amending any information after receiving a request, as this may constitute an offence under section 77 of FOIA.

5. FOI Principles

The Trust is committed to upholding the core principles of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). These principles ensure that public authorities operate with openness, transparency and accountability, while maintaining appropriate safeguards for sensitive information.

The following principles underpin the Trust's approach to Freedom of Information:

5.1 Openness and Transparency

The Trust aims to make information publicly available wherever possible. This includes proactively publishing information through the Trust's Publication Scheme and responding to individual requests in a clear, accessible and timely manner.

5.2 Right of Access

Any person has a statutory right to request recorded information held by the Trust. Access will be provided unless an exemption (FOIA) or exception (EIR) applies. Environmental information may also be requested verbally under EIR.

5.3 Presumption in Favour of Disclosure

FOIA and EIR operate on the principle that information should be disclosed unless:

- An exemption or exception is engaged, and
- In the case of qualified exemptions, the public interest in withholding the information outweighs the public interest in disclosure.

5.4 Advice and Assistance

Under section 16 of FOIA, the Trust must provide reasonable advice and assistance to anyone making or wishing to make an information request. This may include helping to clarify or refine a request where necessary.

5.5 Timeliness

The Trust must respond promptly and within statutory timescales:

- FOIA: 20 working days
- EIR: 20 working days (extendable to 40 for complex or voluminous requests)
Extensions for public interest tests are permitted under FOIA.

5.6 Integrity of Records

Once a request is received, the Trust must preserve all relevant information. It is an offence under section 77 of FOIA to alter, deface, block, erase, destroy or conceal information with the intention of preventing disclosure.

5.7 Protection of Sensitive Information

While FOIA promotes transparency, the Trust must also protect information where disclosure would:

- Breach data protection legislation
- Prejudice safeguarding, law enforcement or health and safety
- Harm commercial or legal interests
- Reveal confidential information obtained from third parties

The Trust will apply exemptions appropriately and explain the reasoning to the requester.

5.8 Equality of Access

Requests will be handled impartially. The Trust will not discriminate based on the requester's identity, motives, or the nature of their enquiry. The same information released to one requester must be treated as information available to the public at large.

5.9 Accountability and Governance

The Trust Board is ultimately responsible for FOI compliance. All staff must support effective information management and promptly forward requests to the designated FOI Lead.

5.10 Continuous Improvement

The Trust will review its FOI processes regularly, monitor compliance, and ensure staff receive appropriate training to maintain high standards of openness and good governance.

6. Procedure for Dealing with a FOI Request

The following procedure applies where a request cannot be satisfied by simply providing the information informally and must instead be processed under the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004 (EIR).

6.1 Referral and Allocation

- When a request is received that cannot be dealt with immediately, it must be referred in the first instance to the FOI Lead.
- The FOI Lead will review the request and allocate it to an appropriate individual within the Trust who is responsible for the type of information being requested.

6.2 Determining Whether the Trust “Holds” the Information

The first stage is to establish whether the Trust *holds* the requested information.

The Trust “holds” information if:

- It exists in any recorded form (electronic, paper, email, audio, CCTV, etc.)
- It is held by a contractor or third party on behalf of the Trust

Some requests may require limited collation or minimal manipulation across multiple systems. In such cases:

- If the manipulation is simple, routine or minimal, the information is considered to be *held*.
- If the manipulation requires significant effort or analysis, the Trust may not be considered to “hold” the information in that form.

If the Trust does not hold the information in the way requested, the requester should be:

- Informed, and
- Offered the opportunity to refine or clarify their request.

Example:

- Adding up totals in a single spreadsheet = *held*.
- Manually extracting figures from multiple spreadsheets and calculating totals = *may not be held*, depending on the time required.

6.3 Considering Whether the Information Can Be Disclosed

The second stage is to determine whether the information can be released, or whether one or more FOIA exemptions (or EIR exceptions) apply.

Common FOIA exemptions include:

Personal Information

- Section 40(1) – The information is the *applicant’s own personal data*. This must be handled under the Data Protection Act 2018 / UK GDPR (Subject Access Request).
- Section 40(2) – Disclosure would reveal *third-party personal data* and would breach data protection principles.

Confidentiality and Already Accessible Information

- Section 41 – Information obtained in confidence from a third party where disclosure would constitute an actionable breach of confidence.
- Section 21 – Information already reasonably accessible to the requester (even if only on payment of a fee).

Future Publication

- Section 22 – Information intended for future publication.

Commercial and Economic Interests

- Section 43 – Disclosure would prejudice the commercial interests of the Trust or a third party.

Health, Safety and Security

- Section 38 – Disclosure would endanger the physical or mental health or safety of any individual (including safeguarding-related information).
- Section 31 – Disclosure would prejudice the prevention or detection of crime (e.g., CCTV locations, security information).

Effective Conduct of Public Affairs

- Section 36 – Disclosure would prejudice the effective conduct of public affairs.
 - This exemption requires the opinion of a Qualified Person, which for the Trust is the Chair of the Trust Board.
 - The ICO provides a specific form to support this process.

6.4 Applying the Public Interest Test

Some exemptions (called qualified exemptions) require a public interest test.

This means the Trust must balance:

- The public interest in disclosure (e.g., transparency, accountability), against
- The public interest in withholding the information (e.g., protecting privacy, commercial sensitivity, safeguarding, legal proceedings).

Information may only be withheld where the public interest in withholding outweighs the public interest in disclosure.

6.5 Documenting the Decision

For every request:

- The rationale for applying any exemption must be documented.
- The response must explain, clearly and lawfully:
 - Why the exemption applies
 - Whether the public interest test was undertaken
 - How the requester may request an internal review

7. Freedom of Information – Response Time Requirements

The Trust is committed to meeting its statutory obligations under the Freedom of Information Act 2000 (FOIA) and will ensure that all valid requests for information are handled promptly, fairly, and in accordance with the law.

Statutory Response Time

- The Trust must respond to a valid Freedom of Information request as soon as is reasonably practicable, and no later than 20 working days from the date of receipt.
- Under FOIA, a working day is any day other than a Saturday, Sunday, or bank holiday. Term dates do not affect the deadline; FOI timescales run throughout school holidays.

Extensions for Public Interest Test

Where a qualified exemption is being considered and additional time is needed to determine whether the public interest favours disclosure:

- An extension may be applied, up to a maximum of 40 working days.
- The requester must be notified within the original 20 working days, explaining:
 - that more time is required,
 - the exemption under consideration, and
 - an estimated date for the full response.

Clarifying a Request

If a request is unclear or ambiguous:

- The Trust will contact the requester promptly to seek clarification.
- The response timescale pauses (“stops the clock”) until the necessary clarification is received.
- If the requester does not provide clarification, the Trust may close the request.

8. Freedom of Information Complaints

The Trust is committed to handling all Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests fairly and transparently. Individuals have the right to complain if they are dissatisfied with the way their request has been handled or with the outcome provided.

Complaints may relate to (but are not limited to):

- A refusal to disclose information
- The application of an exemption or exception
- Delays in responding to a request
- Concerns about the accuracy or completeness of the information provided
- Failure to provide reasonable advice and assistance
- Procedural failings (such as incorrect handling, misclassification, or process delays)

8.1 Internal Review

If an individual is dissatisfied with the Trust's response, they may request an internal review.

The internal review will:

- Be undertaken by a Member of Trust Staff who was not involved in handling the original request
- Consider whether the FOI/EIR process was followed correctly
- Re-evaluate the application of any exemptions/ exceptions
- Assess whether the public interest test (if applicable) was applied appropriately
- Ensure all statutory obligations were met

The Trust aims to complete internal reviews within:

- 20 working days for FOIA requests
- 40 working days for EIR requests (or sooner where possible)

The outcome will be issued in writing and will include:

- The findings of the review
- The Trust's final position
- Any actions or corrections the Trust will take
- Details of how to escalate the complaint

Internal complaints may be submitted through the following channels:

Email: dataprotection@thefuturestrust.org.uk

Online Form: Available on the Trust website

Post: Data Protection Complaints, The Futures Trust, Rookery Lane, Coventry, CV6 4GL

Telephone: 024 7666 1416

Complaints should include the complainant's name, contact details, a description of the concern, and any supporting evidence.

8.2 Escalation to the ICO

If the requester remains dissatisfied after the internal review, they may escalate their concern to the Information Commissioner's Office (ICO), who is responsible for enforcing FOIA and EIR.

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Website: www.ico.org.uk

The ICO may decide to investigate and, if necessary, issue a decision notice.

8.3 Relationship With DUAA Complaints

Where a complaint involves concerns relating to personal data—for example, the application of Section 40 (personal data exemption) or potential disclosure of personal data—the Trust will

signpost the requester to the TFT Data Protection Complaints Process, in line with the Data (Use and Access) Act 2025 (DUAA) requirements.

DUAA requires the Trust to:

- Offer an accessible electronic route for raising data-protection concerns
- Acknowledge such complaints within 30 calendar days
- Provide an outcome within 60–90 days, unless exceptional circumstances apply

This DUAA process runs in parallel to FOIA rights but is only used for concerns about the handling of personal data—not access to public information.

9. Training

All staff and governors are provided with Freedom of Information (FOI) training as part of their induction process. This ensures that everyone understands their responsibilities in identifying, forwarding and managing requests for information in accordance with the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

FOI and data protection training will also form part of the Trust’s continuing professional development (CPD). Additional training will be provided whenever there are significant changes to legislation, statutory guidance, or internal processes that affect how information requests must be handled.

10. Links with other policies

This FOI Policy is also linked to further policies including:

- Data Protection Policy
- Information Security Policy
- Data Breach Reporting Procedure
- ICT Acceptable Use Policy
- Retention Policy

11. Contact

Any questions about this policy should be directed in the first instance to School Data Protection Lead who is contactable via the school.