

1. Summary

- 1.1 Herts for Learning Ltd t/a HFL Education (HFL) is a public-owned Company, jointly owned by Hertfordshire schools and Hertfordshire County Council (HCC). The Freedom of Information Act (FOIA) 2000 provides public access to information held by public authorities. It does this in two ways:
- Under Section 19 of the Act, public authorities are obliged to publish certain information about their activities, in the form of an approved publication scheme.
 - Members of the public are entitled to request information from public authorities, subject to certain exemptions, to be supplied within twenty working days.
- 1.2 Any request for “environmental information” is required to be answered in accordance with the Environmental Information Regulations (EIR) 2004 rather than the FOIA.
- 1.3 Further information on these acts can be found here:
- [Freedom of Information](#)
 - [Environmental Information Regulations](#)
- 1.4 The FOIA does not apply to personal data as this is covered by the Data Protection Act (DPA) 2018. Access to personal data should be requested via a Subject Access Request and not a Freedom of Information Request.

2. Scope

- 2.1 HFL is committed to the principles of accountability, transparency and the general right of access to information, subject to legal exemptions. We will make every effort to meet our obligations under the respective legislation, and this policy outlines how we manage our obligations for complying with the FOIA.
- 2.2 We have produced a publication scheme which sets out:
- the classes of information which we publish;
 - the manner in which information is to be published, for example, on our website or electronically; and
 - whether there is any charge for the information.
- 2.3 The publication scheme is based on the Information Commissioner’s Office (ICO) [model scheme](#) for wholly owned companies and is available to view on the HFL website.
- 2.4 All information in our publication scheme is either published on our website or available electronically.
- 2.5 The ICO would expect us to make the information in the publication scheme available unless:
- we do not hold the information;
 - the information is exempt under one of the FOI exemptions or EIR exceptions, or its release is prohibited under another statute;
 - the information is readily and publicly available from an external website;

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- the information is archived, out of date or otherwise inaccessible; or it would be impractical or resource-intensive to prepare the material for routine release.

3. Making a request for information under the publication scheme

3.1 If a requester needs a copy of any of the documents listed within the publication scheme, they should email the Data Protection Officer at dp.foi@hfleducation.org , giving clear details of the information requested. In order to help us process the request more quickly, we recommend clearly marking any correspondence “FOI PUBLICATION SCHEME REQUEST”.

3.2 Information published on our website or sent electronically is free of charge. If you request that the information that you have applied for be sent to you in hard copy, then the HFL may seek payment from you to cover the cost of such disbursements. In line with the information Tribunal Decision of David Markinson vs. Information Commissioner, HFL will charge 10p per A4 sheet of printing or photo copying and we may also seek payment for postage of those documents. For any documents over 100 pages, a fees notice will be issued and that fee will be for the total number of pages that require printing.

If payment is requested, you will be informed by HFL of the fee required and how to make the payment. Once informed of the fee you will have 60 working days to make the payment as requested, if payment is not received by that time, then your request will be closed.

4. Making a request for information under the Freedom of Information Act 2000

4.1 If the required information is not available via our publication scheme, then a Freedom of Information (FOI) request is required. FOI requests must be made in writing and emailed to the Data Protection Officer at dp.foi@hfleducation.org. The request must:

- Include the full name (first initial and surname or first name and surname) of the person making the request, if this is not provided, we will seek clarification.
- Include an email or postal address for correspondence
- Describe the information requested, providing sufficient details to enable us to identify and locate the required information.

Freedom of Information requests made to HFL are managed on our behalf by HCC’s Information Governance Team.

4.2 We are entitled to ask for more detail, if needed, to enable us to identify and locate the information sought. We will contact the requester as soon as possible and, as far as reasonably practicable, help them to describe the information requested more clearly. Such assistance might include:

- providing an outline of the different kinds of information which might meet the terms of the request;
- providing access to detailed catalogues and indexes, where these are available, to help the applicant ascertain the nature and extent of the information held by us; or
- providing a general response to the request setting out options for further information which could be provided on request.

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- 4.3 All FOI requests will be responded to within 20 working days from receipt of a valid request. However, where further clarification has been asked for, the time for compliance will not begin until we have received the necessary information to allow us to answer the request.
- 4.4 Provided all requirements are met for a valid request to be made, we will provide the information that we hold (unless an exemption applies). If the information is held by another public authority, such as the Local Authority (HCC), we may transfer the request to them. We will continue to answer any parts of the enquiry in respect of information that we do hold.
- 4.5 Where we do not hold the information, we are not required to create or acquire it in order to answer the enquiry, although we must carry out a reasonable search to determine if this is the case.
- 4.6 A fee can be charged for providing information for an FOI request, which takes account of the staff costs and time for locating and retrieving the information, and whether this exceeds the threshold for complying with the request. The threshold is currently £450 with staff costs calculated at a fixed rate of £25 per hour (therefore 18 hours' work is required before the threshold is reached).
- 4.7 If a request would cost more than the threshold, then we are entitled to turn the request down, to answer and charge a fee, or answer and waive the fee.
- 4.8 If a request would cost less than the threshold, then we can only charge for the cost of informing the requester whether the information is held and communicating the information to the requester (e.g. photocopying, printing and postage costs).
- 4.9 Where a fee is applicable under the legislation, we will advise the requester as promptly as possible. If they indicate that they are not prepared to pay the fee, we will consider whether there is any information that may be of interest to them that is available free of charge.

5. Exemptions and Exceptions

- 5.1 The presumption of the FOIA and EIR is that we should disclose information unless the Act provides a specific reason to withhold it. However, the Act also recognises the need to preserve confidentiality and protect sensitive material under certain circumstances.
- 5.2 We may refuse all or part of a request, if one of the following applies:
- there is an exemption to disclosure within the FOIA or EIR;
 - the information sought is not held;
 - the request is considered vexatious or repeated; or
 - the cost of compliance exceeds the threshold.
- 5.3 A series of exemptions are set out in the FOIA which allow the withholding of information in relation to a request. Some are very specialised in their application and would not usually be relevant to us. There are two general categories of exemptions:

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- 5.3.1 *Absolute*: where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest. Applicable exemptions are:
- information accessible to the requester by other means (for example by way of our publication scheme);
 - national security/court records;
 - personal information; or
 - information provided in confidence.
- 5.3.2 *Qualified*: where, even if an exemption applies, there is a duty to consider the public interest test by considering if the public interest in applying the exemption outweighs the public interest in disclosing it. Applicable exemptions are:
- information requested is intended for future publication;
 - reasons of national security;
 - government/international relations;
 - release of the information is likely to prejudice any actual or potential legal action or formal investigation;
 - law enforcement (i.e. if disclosure would prejudice the prevention or detection of crime, the prosecution of offenders or the administration of justice);
 - release of the information would prejudice our ability to carry out an effective audit of our accounts, resources and functions;
 - for health and safety purposes;
 - information requested is subject to legal professional privilege; or
 - for “commercial interest” reasons.
- 5.3.3 Refusing information under EIR. Under the Regulations, most exceptions are subject to the public interest test. This will be communicated in the response that is issued.

6. Refusing to respond to a request

- 6.1 If it is decided to refuse a request, we will send a refusals notice, including:
- the fact that we cannot provide the information asked for;
 - which exemptions apply (where applicable);
 - why the exemptions apply to this enquiry (if it is not self-evident);
 - reasons for refusal; and
 - details of how to complain.
- 6.2 We will maintain a register of all requests, including where we have refused to supply information, and the reasons for the refusal.

7. Complaints

- 7.1 We provide a right of complaint to all requesters in the event they are dissatisfied with the handling of their request. Any such complaints should be directed to the HCC Information Governance Team at information.governance@igurequests.hertfordshire.gov.uk who will make an independent assessment of the case.

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7.2 If the requester remains dissatisfied then they can contact the ICO either via their helpline number 0303 123 1113 or via their [website](#).

8. Review

The HFL Audit and Risk Committee shall review this Policy every two years.

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