



Brighter Futures
Educational Trust

FREEDOM OF INFORMATION POLICY

Policy Number: 34

Review Committee: Finance and Risk

Type of Policy: Statutory

Review Period: Every 2 years

Approved: June 2026

Next Review: June 2028

VERSION CONTROL

V1.1	June 2026	New layout due to rebranding Rewritten policy

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1. PURPOSE

Brighter Futures Educational Trust (BFET) is committed to openness, transparency and accountability. This policy sets out how the Trust will comply with its duties under the Freedom of Information Act 2000 and outlines the process for handling requests for information.

2. LEGISLATIVE FRAMEWORK

Freedom of Information Act 2000; Data Protection Act 2018; UK GDPR; Environmental Information Regulations 2004; Academy Trust Handbook; ICO Guidance; Trust Publication Scheme.

3. DEFINITIONS

- Appropriate limit: The statutory cost limit.
- FOIA: Freedom of Information Act 2000.
- Publication scheme: Information routinely published by the Trust.
- Requester: Any person or organisation requesting information.
- Fee notice: Notice issued where a charge applies.

4. PUBLICATION SCHEME

The Trust maintains a publication scheme in accordance with ICO guidance. Information routinely available to the public will normally be published through Trust and school websites.

5. MAKING A REQUEST

- Requests must be made in writing
- Include the requester's name
- Include a correspondence address
- Clearly describe the information requested.

Requests should be submitted to the Governance Professional or Data Protection Officer (DPO)

6. DUTY TO ADVISE AND ASSIST

Where a request is unclear or likely to exceed the appropriate cost limit, the Trust will provide reasonable advice and assistance to help applicants:

- Clarify their request.
- Narrow the scope of a request.
- Identify information already publicly available.
- Understand why information may not be available.

The Trust will seek to assist applicants wherever reasonably possible whilst ensuring compliance with statutory requirements.

7. RESPONDING TO REQUESTS

The Trust will respond promptly and no later than 20 school days or 60 working days, whichever occurs first.

Where a public interest test is required, the Trust may extend the response period where permitted by legislation and will notify the applicant accordingly. If a Fee Notice is issued, the time taken between issuing the notice and receiving payment will not count towards the response timescale. Where the Trust cannot respond within the statutory timeframe, the applicant will be informed and provided with a revised timescale.

8. FEES AND CHARGES

The Trust will not normally charge for responding to requests. Charges may apply for printing, photocopying, postage and permitted disbursement costs. The statutory cost limit is £450 calculated at £25 per hour equivalent to 18 hours of work.

Where a request exceeds this limit, the Trust may refuse the request, ask the applicant to narrow the request or issue a Fee Notice where appropriate.

Where a Fee Notice is issued and payment is not received within three months, the Trust will not be required to comply with the request.

9. EXEMPTIONS

The right to access information is subject to a number of exemptions under FOIA.

Where an exemption applies, the Trust may refuse to disclose information and, where permitted, may neither confirm nor deny whether the information exists.

Common Absolute Exemptions

- Section 21 – Information accessible by other means
- Section 40 – Personal information
- Section 41 – Information provided in confidence
- Section 44 – Information prohibited from disclosure

Common Qualified Exemptions

- Section 22 – Information intended for future publication
- Section 36 – Prejudice to the effective conduct of public affairs
- Section 38 – Health and safety
- Section 42 – Legal professional privilege
- Section 43 – Commercial interests

Where a qualified exemption applies, the Trust will carry out a public interest test before deciding whether information should be withheld.

Where an exemption is relied upon, the Trust will explain:

- Which exemption applies.
- Why the exemption applies.
- The outcome of any public interest test undertaken.

10. REQUESTS FOR PERSONAL INFORMATION

Requests for an individual's own personal information will be treated as Subject Access Requests under the Data Protection Act 2018 and UK GDPR. Requests for third-party personal information will be considered under both FOIA and data protection legislation. The Trust will not disclose personal information where doing so would breach data protection principles.

11. VEXATIOUS AND REPEATED REQUESTS

The Trust is not required to comply with requests that are:

- Vexatious.
- Manifestly unreasonable.
- Repeated requests for substantially the same information where circumstances have not materially changed.

In determining whether a request is vexatious, the Trust will consider:

- The burden placed on the Trust.
- The impact on staff, governors or trustees.
- The purpose and value of the request.
- ICO guidance and relevant case law.

Each request will be considered on its individual merits.

12. GOVERNANCE AND RESPONSIBILITIES

The Board of Trustees is responsible for:

- Approving this policy.
- Ensuring compliance with FOIA and related legislation.
- Receiving assurance regarding information governance arrangements.

Local Governing Boards will:

- Support compliance within their schools.
- Escalate significant concerns to the Trust where appropriate.

The CEO is responsible for:

- Ensuring effective arrangements are in place for handling requests.
- Ensuring compliance across the Trust.
- Reporting significant issues to Trustees where necessary.

The Governance professional and/or Data Protection Officer will:

- Coordinate responses to requests.
- Maintain records of requests and outcomes.
- Provide advice to staff and leaders.
- Liaise with the Information Commissioner's Office where required.

13. COMPLAINTS AND INTERNAL REVIEW

Applicants dissatisfied with a response may request an internal review within 40 working days of receiving the Trust's response. Internal reviews will normally be conducted by an appropriate senior leader who was not involved in the original decision.

If the applicant remains dissatisfied following the internal review, they may complain to:

Information Commissioner's Office (ICO)

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Website: www.ico.org.uk

14. MONITORING AND REVIEW

This policy will be reviewed every two years or sooner where if legislation changes, ICO guidance changes or Trust operational arrangements require amendment.

The policy will be approved by the Board of Trustees.

15. LINKS WITH OTHER POLICIES

- Data Protection Policy
- Complaints Policy
- ICT Acceptable Use Policy
- Online Safety Policy