



Freedom of Information Policy and Publication Scheme

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1. Document Owner and Approval

Red Kite Learning Trust (“the Trust”) is the owner of this *Freedom of Information Policy and Publication Scheme* and is responsible for ensuring that this document is reviewed in line with the Trust’s policy review schedule. A current version of this document is available to all members of Trust staff via the *Trust Information Area* online portal.

Version Control

Version	Description of Change	Date of Policy Release
1	Initial Issue, following review by Judicium Education DPO, Trust Core Team and Trust Board	14.12.2023

2. Introduction

The Freedom of Information Act gives individuals the right to access official information from public bodies. Schools and academies are defined within the act as public bodies and the Trust must therefore adhere to these regulations in order to ensure transparency.

Under the Act, any person has a legal right to ask for access to information held by the Trust. They are entitled to be told whether the Trust holds the information and to receive a copy, subject to certain exemptions. Whilst the Act assumes openness, it recognises that certain information is sensitive. There are exemptions to protect this information. Details as to how **Freedom of Information Requests** can be made are set out in **Section 1**.

Public authorities should be clear and proactive about the information they will make public. For this reason, the **Freedom of Information Publication Scheme** is available and can be found at **Section 2**.

This policy does not form part of any individual’s terms and conditions of employment with the Trust and is not intended to have contractual effect. This policy should be used in conjunction with the Trust’s Data Protection Policy.

Section 1: Freedom of Information Requests

Freedom of Information Requests should be made by the “requester” to Red Kite Learning Trust. The request can be addressed to anyone in the Trust and its schools, or via the Trust’s Data Protection Officer; Judicium Education (DPO).

Data Controller

Red Kite Learning Trust

Registered Office Address:

Red Kite Office
Pannal Ash Road
Harrogate
HG2 9PH
Tel. 01423 574410
info@rkl.co.uk

Data Processors

Red Kite Learning Trust Schools
Red Kite Learning Trust Central Operations and Cluster Teams
[Red Kite Learning Trust - Home \(rkl.co.uk\)](http://Red Kite Learning Trust - Home (rkl.co.uk))

Data Protection Officer (DPO)

Judicium Education
Judicium Consulting Ltd

Registered Office Address:

72 Cannon Street
London
EC4N 6AE

Tel: 020 3326 9174

Email: dataservices@judicium.com

Web: www.judiciumeducation.co.uk

Data Protection Officer: Judicium Education

Judicium Consulting Limited
Address: 72 Cannon Street, London, EC4N 6AE
Email: dataservices@judicium.com
Web: www.judiciumeducation.co.uk
Telephone: 0203 326 9174

All staff need to be aware of the process for dealing with requests. Requests for information which do not fall under the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 (DPA) nor the Environmental Information Regulations 2004 (EIR) will be covered by the Freedom of Information Act 2000 (FOIA).

Subject Access Requests (SARs) whereby the requester asks to see what personal information the Trust holds about an individual, will be handled by the Trust in line with its Data Protection Policy.

Environmental Information Regulations enquiries are those which relate to air, water, land, natural sites, built environment, flora and fauna, health and any decisions and activities affecting any of these. These could, therefore, include enquiries about recycling, phone masts, Trust playing fields, car parking etc. If the enquiry is about environmental information, these must be handled following the guidance on the Department for Environment, Food and Rural Affairs (DEFRA) website.

Freedom of Information Requests must be made in writing (this may include by email) and should include the requester's name, correspondence address (email addresses are allowed) and state what information is required. There must be sufficient information in the request to be able to identify and locate the information. If this information is covered by another piece of legislation (as above), they will be dealt with under the relevant policy/procedure related to that request.

If the request is ambiguous and/or the Trust requires further information in order to deal with the enquiry, the Trust will ask for additional information directly from the individual making the request. Please note that the Trust does not have to deal with the request until the further information is received. Therefore, the time limit starts from the date that the Trust receives all information required in order to deal with the request.

The requester does not have to mention the Act, nor are they obliged to disclose the reason for requesting the information. The Trust has a duty to respond to all requests, advising the requester whether or not the information is held and to supply any information that is held, except where exemptions apply. There is a time limit of 20 school days (i.e., excluding school holidays) for responding to the request.

1.1 Information

Provided all requirements are met for a valid request to be made, the Trust will provide the information it holds (unless an exemption applies).

Holding information means information relating to the business of the Trust:

- *that the Trust has created; or*
- *that the Trust has received from another body or person; or*
- *held by another body on the Trust's behalf*

Information means both hard copy and digital information, including email. If the information is held by another public authority (for example, the Local Authority), the Trust will check whether they hold the information and if so, transfer the request to them. If this applies, the Trust will notify the requester that they do not hold the information and to whom they have transferred the request. The Trust will continue to answer any parts of the enquiry in respect of information it does hold.

When the Trust does not hold the information, it has no duty to create or acquire it, only to answer the enquiry; although a reasonable search will be made before confirming whether the Trust holds the information requested.

If the information requested is already in the public domain, for instance, through the Publication Scheme or on the Trust's website, the Trust will direct the requester to the information and explain how to access it.

The requester has the right to be advised if the information requested is held by the Trust (subject to any of the exemptions). This obligation is known as the Trust's *duty to confirm or deny* that it holds the information. However, the Trust does not have to confirm or deny if:

- *the exemption is an absolute exemption; or*
- *in the case of qualified exemptions, confirming or denying would itself disclose exempted information*

1.2 Vexatious Requests

There is no obligation on the Trust to comply with vexatious requests. A vexatious request is one which is designed to cause inconvenience, harassment or expense, rather than to obtain information and would require a substantial diversion of resources or would otherwise undermine the work of the Trust. In addition, the Trust does not have to comply with repeated identical or substantially similar requests from the same applicant, unless a reasonable interval has elapsed between requests.

1.3 Fees

The Trust may charge the requester a fee for providing the requested information. This will be dependent on whether the staffing costs in complying with the request exceed the threshold. 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).

If a request would cost less than the threshold, then the Trust will only charge for the cost of informing the applicant whether the information is held and communicating the information to the applicant (e.g., photocopying, printing and postage costs).

When calculating costs/threshold, the Trust will take account of the staff costs/time in determining whether the information is held by the Trust, locating and retrieving the information and extracting the information from other documents. The Trust will not take account of the costs involved with considering whether information is exempt under the Act.

If a request would cost more than the appropriate limit (£450), the Trust can choose to refuse to comply with the request, or respond and charge a fee, or answer and waive the fee.

If the Trust decide to charge, the requester will be provided with a *fees notice*. The Trust does not have to comply with the request until the fee has been paid. More details on fees can be found on the [Information Commissioner's Office \(ICO\) website](#).

If planning to refuse a request for cost reasons or charge a high fee, the requester will be contacted in advance to discuss whether they would prefer the scope of the request to be modified so that, for example, it would cost less than the appropriate limit.

Where two or more requests are made to the Trust by different individuals who appear to be acting together or as part of a campaign, the estimated cost of complying with any of the requests may be taken to be the estimated total cost of complying with them all.

1.3 Time Limits

Compliance with a request must be prompt and within the time limit of 20 school days (this does not include the school holidays or weekends) or 60 working days if this is shorter. Failure to comply could result in a complaint by the requester to the ICO. The response time starts counting as the first day from the next working day after the request is received (so if a request was received on Monday 6 October, the time limit would start from the next working day, 7 October).

Where the Trust has asked the requester for more information to enable it to answer, the 20 school days' start time begins when this further information has been received. If some information is exempt this will be detailed in the Trust's response. If a qualified exemption applies and the Trust needs more time to consider the *public interest test*^{*}, the Trust will reply within 20 school days, stating that an exemption applies, but include an estimate of the date by which a decision on the *public interest test* will be made. This should be within a "reasonable" time.

Where the Trust has notified the requester that a charge is to be made, the time period stops until payment is received.

1.5 Third Party Data

Consultation with third parties may be required if their interests could be affected by release of the information requested, and in the case that any such consultation may influence the disclosure decision.

Consultation will be necessary where:

- *disclosure of information may affect the legal rights of a third party, such as the right to have certain information treated in confidence, or rights under Article 8 of the European Convention on Human Rights*
- *the views of the third party may assist the Trust to determine if information is exempt from disclosure; or*
- *the views of the third party may assist the Trust to determine the public interest test*

Personal information requested by third parties is also exempt under this policy where release of that information would breach the Data Protection Act (DPA). If a request is made for a document (e.g., Local Governing Board minutes) which contains personal information, whose release to a third party would breach the Data Protection Act, the document may be issued by redacting the relevant personal information.

1.6 Exemptions

The premise of the Freedom of Information Act is that the Trust will disclose information unless the Act provides a specific reason to withhold it. The Act recognises the need to preserve confidentiality and protect sensitive material in certain circumstances.

The Trust may refuse all/part of a request, if at least one of the following applies:

- *there is an exemption to disclosure within the Act*
- *the information sought is not held*
- *the request is considered vexatious or repeated; or*
- *the cost of compliance exceeds the threshold*

A series of exemptions is set out in the Act which allows the withholding of information in relation to an enquiry. Some are specialised in their application (such as national security) and would not usually be relevant the Trust.

There are two general categories of exemptions:

- **Absolute:** *where there is no requirement to confirm or deny that the information is held, disclose the information or consider the public interest; and*
- **Qualified:** *where, even if an exemption applies, there is a duty to consider the public interest in disclosing information*

1.6.1 Absolute Exemptions

There are eight absolute exemptions set out in the Freedom of Information Act (FOIA). However, the following are the only absolute exemptions which will apply to the Trust:

- *Information accessible to the requester by other means (for example, by way of the Trust's Freedom of Information Publication Scheme)*
- *National Security/Court Records*
- *Personal information (i.e., information which would be covered by the DPA)*
- *Information provided in confidence*

If an absolute exemption exists, it means that disclosure is not required by the FOIA. However, a decision could be taken by the Trust to ignore the exemption and release the information, considering all the facts of the case, if it is felt necessary to do so.

1.6.2 Qualified Exemptions

If one of the below exemptions apply (i.e., a qualified disclosure), there is also a duty to consider the public interest in confirming or denying that the information exists and in disclosing information.

The qualified exemptions under the FOIA and applicable to the Trust are:

- *Information requested is intended for future publication (and it is reasonable in all the circumstances for the requester to wait until such time that the information is actually published).*
- *Reasons of national security*
- *Government/international relations*
- *Release of the information is likely to prejudice any actual or potential legal action or formal investigation involving the Trust.*
- *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 the ability of the Trust to carry out an effective audit of its accounts, resources and functions.*
- *For health and safety purposes*
- *Information requested is environmental information*
- *Information requested is subject to legal professional privilege; and*
- *For commercial interest reasons*

Where the potential exemption is a qualified exemption, the Trust will consider the public interest test to identify if the public interest in applying the exemption outweighs the public interest in disclosing it. In all cases, before writing to the requester, the person given responsibility by the Trust for dealing with the request will need to ensure that the case has been properly considered and that the reasons for refusal or public interest test refusal, are sound.

1.7 Refusal

If it is decided to refuse a request, the Trust will send a *refusals notice*, which must contain:

- *the fact that the responsible person cannot provide the information requested*
- *which exemption(s) apply*
- *why the exemption(s) apply to this enquiry (if it is not self-evident)*
- *reasons for refusal; and*
- *the Trust's Complaints Policy and Procedure*

For monitoring purposes and in case of an appeal against a decision not to release the information or an investigation by the Information Commissioner, the responsible person must keep a record of all enquiries where all or part of the requested information is withheld and exemptions are claimed. The record must include the reasons for the decision to withhold the information.

Section 2: Freedom of Information Publication Scheme

The Red Kite Learning Trust Freedom of Information Publication Scheme follows the model approved by the Information Commissioner's Office (ICO).

This scheme is not a list of individual publications, but rather a description of the classes of types of information which the Trust is committed to publishing. It is not an exhaustive list of all of the types of information published by the Trust and its schools. The aim of the Trust is to proactively publish as much information as reasonably possible, where the information would have a wider public interest*.

This scheme does not include information considered by the Trust to be sensitive, such as personal information, information prevented from disclosure by law or information about security matters.

2.1 Classes of Information

There are seven classes of information held by the Trust, as defined by the ICO model publication scheme:

1. *Who we are and what we do*
2. *What we spend and how we spend it*
3. *What our priorities are and how we are doing*
4. *How we make decisions*
5. *Our policies and procedures*
6. *Lists and registers*
7. *The services we offer*

2.2 Making information available

Information will generally be made available on the Trust website:

[Red Kite Learning Trust - Home \(rklf.co.uk\)](http://rklf.co.uk)

Where it is not possible to include this information on the Trust website, or when an individual is unable to access the information in this way, the Trust will indicate how information can be obtained by other means and provide it by those means. This may be detailed in response to a request or within the scheme itself. This will usually be by way of a paper copy.

In exceptional circumstances, some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale. Information will be provided in the language in which it is held or in such other language that is legally required. The Trust will translate any information, where legally required to do so.

2.3 Charges for information published under this scheme

The Trust may charge individuals for information published under this scheme. The purpose of this scheme is to make the maximum amount of information readily available at the minimum inconvenience and cost to the public. Charges made by the Trust for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on the website will be provided free of charge. Charges may be made for information, subject to a charging regime specified by law.

Charges will be made to cover:

- photocopying.
- postage and packaging; and
- the costs directly incurred as a result of viewing information

Single copies of information requested, which are covered by the publication scheme will be provided free unless otherwise stated within the scheme.

If the request involves a large amount of photocopying, printing or postage, then this may be at a cost. If this is the case, the Trust will indicate the cost to the requester, in advance of fulfilling the information request.

2.4 How to Request Information

Should a paper version of any of the documents within the scheme be required, the Trust can be contacted directly, using the below details:

Red Kite Learning Trust

Registered Office Address:

Red Kite Office

Pannal Ash Road

Harrogate

HG2 9PH

Tel. 01423 574410

info@rslt.co.uk

All correspondence should be marked as *Publication Scheme Request*, to enable the Trust to process requests efficiently. If the information sought is not available via the scheme, the Trust may be contacted to establish if the specific information is held.

2.5 The Publication Scheme

The table below identifies the specific information held by the Trust and its schools, which the ICO expects schools in England to publish under each of the seven classes of information set out in the *ICO Model Publication Scheme*.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.

Class 1 Who we are and what we do <i>Organisational information, locations and contacts, constitutional and legal governance. Information in this class will be current information only.</i>	Description	Trust website <i>See links to each school for specific information*</i>	Upon application <i>Issued in electronic or hardcopy format</i>	Other <i>E.g. by appointment to view in person or via an external website</i>
Red Kite Learning Trust Structure	A summary of the Trust's governance structure including details of Members, Trustees and Local Governing Boards	✓		
Local Governing Boards	Names of school governors, basis for appointment and contact details*	✓*		
Red Kite Learning Trust Scheme of Delegation	The Scheme of Delegation lays out who has responsibility for what in the Trust, the individual schools and the Headteachers. It includes information about and duties of the governors. See: RKLTS Scheme of Delegation	✓		
Red Kite Learning Trust Mission, Values and Goals	See: RKLTS Annual Report	✓		
Instrument of government or articles of association	Academy Funding Agreements* See: RKLTS Articles of Association See: RKLTS DfE Master Funding Agreement	✓		
School prospectus	The contents of the specific school prospectus*	✓*		
School curriculum	An outline of the specific school curriculum*	✓*		
Gender Pay Gap Reporting	As the Trust has a head count of over 250 staff, this information is published annually in line with Government guidance.	✓		
School session times and term dates	Details of each school's session times and dates of each school's terms and holidays*	✓*		
Location and contact information	Contact details for the Trust and each individual school; including names and positions of key personnel*	✓*		

Class 2 What we spend and how we spend it <i>Financial information about projected and actual income and expenditure, procurement, contracts and financial audit. Financial information for the current and previous two financial years.</i>	Description	Trust website <i>See links to each school for specific information*</i>	Upon application <i>Issued in electronic or hardcopy format</i>	Other <i>E.g. by appointment to view in person or via an external website</i>
Annual budget plan and financial statements	Sources of funding and income the Trust receives by a local authority, directly by central government or from elsewhere, including the private sector, together with the annual budget plan and annual income and expenditure returns. See: RKL Annual Report and Financial Statements	✓		
Expenditures	Details of items of expenditure over £5,000, including costs, supplier and transaction information. Published at least annually by the Trust.		✓	
Capital funding	Information on major plans for capital expenditure, details of the capital funding allocated to or by the Trust, together with information on related building projects and other capital projects. Includes any private finance initiative and public or private partnership contracts.		✓	
Financial audit reports			✓	
Procurement and contracts	Details of procedures used for the acquisition of goods and services and details of contracts that have gone through a formal tendering process. See: RKL Investment Policy			✓
Staff allowances and expenses	Details of the allowances and expenses that can be incurred or claimed. Includes the total of the allowances and expenses paid to individual senior staff members by reference to categories (travel, subsistence and accommodation). See: RKL Reimbursement of Expenses Policy	✓		
Staff pay and grading structures	Provided as part of the Trust's organisational structure. Details of senior staff salaries in bands of £5,000. For all other posts, levels of pay identified by salary range. See: Executive Pay Statement	✓		
Governors' allowances	Details of allowances and expenses that can be incurred or claimed, and a record of total payments made to individual governors. See: Governor and Trustee Expenses Policy	✓		
Premiums or other forms of financial support available	Details of any pupil premium funding received by the Trust and its schools and how it is spent.			✓
Trade Union facility time reporting	Published annually in line with the Government reporting guidance.			✓

Class 3 What our priorities are and how we are doing <i>Strategies and plans, performance indicators, audits, inspections and reviews. Current information.</i>	Description	Trust website <i>See links to each school for specific information*</i>	Upon application <i>Issued in electronic or hardcopy format</i>	Other <i>E.g. by appointment to view in person or via an external website</i>
Performance data supplied to the government	Details of reports or recorded information showing planned or actual performance.		✓	
Latest Ofsted reports		✓*		
Performance management information			✓	
Performance management policy and procedures	As adopted by the Trust and each Local Governing Board		✓	
Future plans	Any major proposals on future plans involving, for example a consultation on a change in school status*	✓*		
Exam and assessment results	See weblinks to each individual school's performance tables*	✓*		
Performance tables		✓*		
Data protection impact assessments	In full or summary format, or any other impact assessments (e.g. health and safety impact assessments, equality impact assessments), as appropriate and relevant.		✓	
Class 4 How we make decisions <i>Decision-making processes and records of decisions. Information in this class available for at least the current and previous three years.</i>	Description	Trust website <i>See links to each school for specific information*</i>	Upon application <i>Issued in electronic or hardcopy format</i>	Other <i>E.g. by appointment to view in person or via an external website</i>
Admissions policy and decisions	Details about the Trust's admission arrangements by individual school.* Procedures and information about the right of appeal for s school place.	✓*		
	For details of application numbers and patterns of successful applicants, including criteria on which applications were successful see the local authority websites for statistical data: [See Links]			✓ Check a school's admissions details (leeds.gov.uk) School admission policies and statistics North Yorkshire Council
Minutes of meetings of the Local Governing Boards and Trust Committees	Minutes, agendas and papers considered at such meetings, unless an exemption applies to the information or parts of it.		✓	

Class 5 Our policies and procedures <i>Current written protocols, policies and procedures for delivering our services and responsibilities. Information in this class to be current only.</i>	Description	Trust website <i>See links to each school for specific information*</i>	Upon application <i>Issued in electronic or hardcopy format</i>	Other <i>E.g. by appointment to view in person or via an external website</i>
School policies and other documents	Includes policies, procedures at school level, documents as required by statute and funding agreements.* Includes the required policies recommended by the Department for Education. Includes policies and procedures (within this policy document) for handling requests for information and operating the Trust's Publication Scheme.	✓*		
Records management, personal data and access to information policies	Includes information security policies, records retention, destruction and archive policies and data protection (including data sharing and CCTV usage*) policies. See: RKLТ Data Protection Policy, incorporating Data Retention and Photograph Policy See: RKLТ Privacy Notice for Pupils and Families	✓		
Equality and diversity	Includes policies, schemes, statements, procedures and guidelines relating to the Trust's commitment to the promotion and advancement of equal opportunities, including details of compliance with the public sector equality duty. See: RKLТ Equality Policy	✓		
Safeguarding and child protection	Policies and procedures to ensure the Trust exercises its functions, with a view to safeguarding and improving child protection and promoting the welfare of children in compliance with legislation and any guidance issued by the Secretary of State. See: RKLТ Safeguarding Policy	✓		
School Improvement Policy	Trust aspiration to the highest standards of academic achievement	✓		
Pay policy	The statement of the pay policy and procedures regarding teachers' pay.		✓	
Health and safety policies	See: RKLТ LGB Health Safety Policy Statement See: RKLТ Health and Safety Policy	✓		
Management of Off-site Visits Policy	Details safe management of educational visits	✓		
Policies and procedures for Human Resources and the recruitment of staff	Details of current vacancies readily available, if they are advertised as part of recruitment policies.	✓		
Premises Management Policy	Details specific premises management documents including planned maintenance schedules and risk assessments	✓		
Careers programme information	By school*	✓*		

Complaints procedures	Includes the Trust policy for dealing with parental complaints. See: RKLТ Complaints Policy	✓		
Charging regimes and policies	Statutory charging regimes, including charging for school activities. Includes charging policies about charges made for information routinely published. Includes which costs are being recovered, the basis on which they are made and how they are calculated. See: RKLТ Charging and Remissions Policy	✓		
Anti-Fraud and Corruption Strategy and Fraud Response Plan	Details Trust commitments to safeguarding of public funds fighting fraud and corruption whether attempted from inside or outside and effective measures to prevent and detect fraud and corruption.	✓		
Whistleblowing Policy	Details Trust commitment to achieving the highest possible standards of service and ethical standards. The policy enables individuals to raise concerns of serious wrongdoing.	✓		
Class 6 Lists and Registers <i>Information to be in currently maintained lists and registers only.</i>	Description	Trust website <i>See links to each school for specific information*</i>	Upon application <i>Issued in electronic or hardcopy format</i>	Other <i>E.g. by appointment to view in person or via an external website</i>
Curriculum circulars and statutory instruments	Statutory instruments (for example regulations), departmental circulars and administrative memoranda sent to the Headteacher or Local Governing Board concerning the curriculum.		✓	
CCTV	Details of the locations of any overt CCTV surveillance cameras operated by the school or on the school's behalf. See each individual school's CCTV policy, as displayed on the school's website.*	✓*		
Disclosure logs	Disclosure logs indicating the high level information provided in response to FOIA and EIR requests, if such registers as requested are held by the Trust.		✓	
Asset register	Information from capital asset registers, if such registers as requested are held by the Trust.		✓	
Any other information the Trust is currently legally required to hold in publicly available registers			✓	

Class 7 The services we offer <i>Information about the services the Trust and its schools provide including leaflets, guidance and newsletters. An extension of part of Class 1 information.</i>	Description	Trust website <i>See links to each school for specific information*</i>	Upon application <i>Issued in electronic or hardcopy format</i>	Other <i>E.g. by appointment to view in person or via an external website</i>
Extra-curricular Activities	Information available on each individual Trust school's website*	✓*		
Before and after school clubs		✓*		
School publications and newsletters		✓*		
Services for which the school is entitled to recover a fee, together with those fees		✓*		

2.6 Internal review

The requester has the right to ask for an internal review if they are dissatisfied with the handling of a request. Internal review requests should be made within 40 working days of the initial response. This deadline should be communicated to the requester in that response. The Trust is not obliged to provide a review if it is requested after more than 40 working days. Requests for internal review must make clear why the requester is dissatisfied with the original decision, detailing why it is felt that the school has not complied with Freedom of Information Law.

2.7 Complaints and Appeals

Any written (including email) expression of dissatisfaction should be handled through the Trust's existing complaints procedure. Wherever practicable, the review should be handled by an independent party, not involved in the original decision. The Trust will set and publish a target time for determining complaints and information on meeting the target. The Trust will maintain records of all complaints and their outcome.

If the outcome is that the Trust's original decision or action is upheld, then the applicant can appeal to the Information Commissioner's Office (ICO). The appeal can be made via the ICO website [Contact us | ICO](#) or in writing to:

Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

The exemptions in Part II of the Freedom of Information Act (FOIA) are "absolute" or "qualified". If an absolute exemption applies, you do [the Trust does] not have to release the information. If the exemption is qualified, you [the Trust] must weigh the public interest in maintaining the exemption against the public interest in disclosure. This is the public interest test. [The Trust] You can only withhold the information if the public interest in maintaining the exemption outweighs the public interest in disclosure. The public interest here means the public good, it is **not: what is of interest to the public; or the private interests of the requester (unless those private interests reflect what is the general public good, e.g. holding public authorities to account) Information Commissioner's Office (ICO) Definition [Information Commissioner's Office \(ICO\)](#)*