

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 9 April 2024

**Public Authority:** Academy Council  
**Address:** Blackpool Aspire Academy  
Blackpool  
Lancashire  
FY3 7LS

#### Decision (including any steps ordered)

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1. The complainant has requested information relating to the archival policies of Blackpool Aspire Academy (the school). By the date of this notice, the school had not issued a substantive response to this request.
2. The Commissioner's decision is that the school has breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the school to take the following step to ensure compliance with the legislation:
  - the school must provide the complainant with a substantive response to the request in accordance with its obligations under FOIA.<sup>1</sup>
4. The public authority must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

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<sup>1</sup> The Commissioner expects the public authority to take appropriate precautions to protect any personal data, particularly when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

## Request and response

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5. On 5 January 2024, the complainant made the following request for information to the school:

"I am writing to make a formal request under the Freedom of Information Act 2000 for information regarding the Archival Policies of Blackpool Aspire Academy.

Specifically, I am seeking details of policies, procedures, guidelines, or any other relevant information pertaining to the records maintained for archival or historical purposes. I kindly request the following information:

Details of Policies and Procedures:

Any documents or guidance provided to staff regarding what information should be archived for historical purposes. This may include, but is not limited to photos, student records, administrative records, financial documents, and correspondences.

Location of Archives:

Information on where historical or archival data is stored. This may encompass details of specific facilities, digital archives, or third-party storage services used by the school.

Process for Disclosure Requests:

Any preferred or prescribed processes for members of the public to request access to and/or copies of historical or archived information.

Include any forms, fees, or specific contacts that should be utilised for such requests.

I understand that under the Freedom of Information Act, you are required to respond to my request within 20 working days. If the information requested is not held by the school, please confirm this in writing.

I would also like to direct your attention to the reply received today from Blackpool Borough Council, which can be accessed at [link redacted] In this response, they confirm that:

"Individual schools which are still operational are responsible for their own archiving; for the purpose of the FOIA this is not

information the Council holds and you will need to contact individual schools."

I would prefer to receive the information electronically via email. If this is not possible, please provide the information in a format that is accessible and convenient for both parties.

If you require any clarification or further details to process this request, please do not hesitate to contact me via the details provided above.

Thank you for your prompt attention to this matter. I look forward to receiving the requested information."

6. The complainant followed up their request with the school on 3 February 2024.
7. To date, the complainant has not received a response to their request for information.

### **Reasons for decision**

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8. Section 1(1) of FOIA states that:

"Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him."

9. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
10. On 6 March 2024, the Commissioner wrote to the school, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
11. Despite this intervention, the school has failed to respond to the complainant.

12. From the evidence provided to the Commissioner in this case, it is clear that the school did not deal with the request for information in accordance with FOIA. The Commissioner finds that the school has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

## **Right of appeal**

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13. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

14. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Pamela Clements**  
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**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
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