



Ref. FOI/20201012/3

09 November 2020

Reply to request for information under the Freedom of Information Act	
Your ref	Email of 12 October 2020
Request	According to the Freedom of Information Act, I would like to request past (internal) examiners' reports for the First BM Part II Examinations (trinity term) from the years 2004-2015. If you do not have records back to 2004, please provide to the earliest year you do have. Thank you.

Dear Mr Wallace

I write in reply to your email of 12 October requesting the above information. Please find the information requested at the annex to this letter.

We have redacted from the reports the names of individuals and any other information that could be used to identify them. In making these redactions, we have applied the exemption in section 40(2) of the Freedom of Information Act (FOIA). Section 40(2) provides an exemption from disclosure for information that is the personal data of an individual other than the requester, where disclosure would breach any of the data protection principles in Article 5 of the General Data Protection Regulation (GDPR). We consider that disclosure of the information requested would breach the first data protection principle, which requires that personal data is processed lawfully, fairly and in a transparent manner. Disclosure would be unfair to the individuals concerned, as it would be contrary to their reasonable and legitimate expectations. They would not reasonably expect their personal data would be made public in an attributable form under the FOIA without their consent. (Please note that a disclosure of information under FOIA is presumed to be a disclosure to the world at large, and not just a disclosure to the individual making the request.)

For the disclosure of personal data to be lawful, it must have a lawful basis under Article 6 of the GDPR. There are six possible lawful bases in Article 6; we do not consider that any of them would be satisfied in respect of the disclosure.

The exemption in section 40(2) is an absolute exemption and is not subject to the public interest test provided for in section 2(2)(b) of the FOIA. To the extent that the public interest is relevant in this case, we believe that it is sufficiently met by disclosure of the anonymized information at the annex.

INTERNAL REVIEW

If you are dissatisfied with this reply, you may ask the University to review it, by writing to the Head of Information Compliance at foi@admin.ox.ac.uk. A request for internal review should be submitted no later than 40 working days from the date of this letter.

THE INFORMATION COMMISSIONER

If, after the internal review, you are still dissatisfied, you have the right under FOIA to apply to the Information Commissioner for a decision as to whether your request has been dealt with in accordance with the FOIA. You can do this online using the [Information Commissioner's complaints portal](#).

Yours sincerely

Information Compliance Team