

Our Ref RQST4159944
Your Ref
Date: 18 January 2013

By e-mail: xxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxx.xxx

Dear Mr Smith

REQUEST FOR REVIEW UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 ("THE ACT")

Thank you for your e-mail received by Glasgow City Council ("the Council") on 18 December 2012 requesting that a review is undertaken of the Council's handling of your Freedom of Information request dated 16 November 2012.

Your Request

You submitted the following request for information:

" as per my right under the FOI act i make a request for the number of discipline cases brought against teachers at ross hall academy, crookston, glasgow in the last 5 years.

further more without revealing the teachers names i would like to know

- 1. the department/subject they work in.*
- 2. the allegation/s they faced.*
- 3. the outcome of each case, e.g dismissed, moved, demoted..."*

The Review Decision

In your correspondence received by the Council on 18 December 2012 you advise that wish the Council's to undertake a review of its handling of your request for information. This is because the Council failed to provide a response within the timescales prescribed by the Act.

Having undertaken a full review of the Council's handling of your request, I would advise that the Council has breached the timescales prescribed by section 10(1) of

the Act. Specifically, the Council did not provide a response within 20 working days of receipt of your request as required by this provision. Please accept my apologies for this omission which was caused as a result of an administrative oversight.

In response to your request, I would advise at the outset that information of this nature, if held, is exempt from a request made under section 1 of the Act because of the exemption contained within section 38(1)(b) of the Act read in conjunction with section 38(2). The information which you have requested constitutes personal data, as defined in the Data Protection Act 1998 ("the 1998 Act"), disclosure of which would breach the Data Protection Principles contained in Schedule 1 Part 1 of the 1998 Act. Information provided on a 'no names' basis constitutes personal data, as defined under section 1(1) of the 1998 Act, where the data relates to living individuals who can be identified from those data or from those data together with other information.

In this instance, it is my view that disclosure of this personal data would breach the first data principle which provides that personal data must be processed fairly and lawfully and, in particular, shall not be processed unless one of the conditions in Schedule 2 to the 1998 Act is met. While I recognise that individuals may have a legitimate interest in obtaining certain information which constitutes personal data, I am of the opinion that the potential harm or distress to any individuals concerned through release of such information into the public domain would breach the first data principle when read together with condition 6 of Schedule 2 to the 1998 Act. In other words, release of this information would cause unwarranted prejudice to the rights and freedoms or the legitimate interests of the individuals concerned. I would further advise that the information which you have requested is subject to a retention policy in line with the requirements placed upon the Council for the processing of personal data under the terms of the 1998 Act and guidance issued by the Information Commissioner's Office. In particular, such information is not retained for longer than the period for which it is necessary for the Council to hold it on an individual's file.

Right of Appeal to the Scottish Information Commissioner

If you are not satisfied with this response you have the right to make an application within 6 months of receipt of this letter for a decision by the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews KY16 9DS.

Yours sincerely



Annemarie O'Donnell
Executive Director – Corporate Services