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30 July 2014

Mark Beedles
Sent via Email:

Our Reference: CAS-298764-JM0QNC

request-218805-6323be19@whatdotheyknow.com

Dear Mr Beedles,

Your request for information

Thank you for your request for information submitted to us on 2 July 2014 via the WhatDoTheyKnow website. You have requested a list of all establishments, both open and closed, that Ofsted has registered on our database. You have asked that the list contain the following columns:

- *Education Name*
- *Address*
- *URN*
- *Region (Gor)*
- *LAcodes*
- *Local Authority*
- *LAestab*
- *dfeNumber*
- *establishment number*
- *type of establishment*
- *phase of education*

You have also asked that we include all establishments in Wales; however, as explained in previous correspondence with you, we do not hold data for establishments in Wales as Ofsted is only responsible for the inspection and regulation of provisions in England. As a result we have not considered this aspect of your request this time and suggest you make alternative enquiries for this information as explained in our earlier letter.

The Freedom of Information Act

We have dealt with your request in accordance with the Freedom of Information (FOI) Act 2000.

The first requirement of the Act is that we should confirm whether or not we hold information of the description set out in your request. I can confirm that we hold details of all education establishments that are both open and closed in England. As mentioned above we do not hold information about provisions based in Wales.

Under the FOI Act, we are under a duty to provide you with all the information we hold which falls within the scope of your request, provided it is not 'exempt' information.

Exempt Information

Section 2(2) of the FOI Act describes circumstances in which information is 'exempt' and therefore does not have to be provided in response to a request. On this occasion, we have concluded that the exemptions at sections 21, 26, 38 and 40(2) apply to some of the information you have requested.

In addition to the above exemptions, some of the information you have requested relates to our function as the regulator of children's social care. Information of this nature is specifically excluded from the general right of access to information held by public authorities under the Freedom of Information (FOI) Act 2000. The Care Standards Act 2000 (Registration) (England) Regulations 2010 prohibit the disclosure to the public of the name, address and other identifying information about Children's Homes. As a result we are unable to disclose the names and addresses of children's homes as part of our response to this request.

Section 21

Where individual childminders have provided consent for us to publish their contact details we do so on our website alongside their registration details. As the information is available to you from the Ofsted website, section 21 of the FOI Act provides that we are not obliged to further disclose this information or to present it in an alternative way.

Section 26

Section 26 applies to information that, if disclosed, could prejudice the defence of any British Island or colony or the capability, effectiveness or security of any relevant forces. The locations of some military bases are not made public because of concerns about security. Should we disclose details of the Early Years settings located on those military bases then this would reveal their location and compromise their security and effectiveness.

As section 26 is a qualified exemption, we are required to consider whether or not the public interest in maintaining the exemption outweighs that in release of the information.

Although there may be a public interest in the location of all childcare providers being available for the sake of transparency, there is a very clear public interest in not revealing the locations of military bases where this would compromise security, reduce the effectiveness of the nation's defence and possibly expose the staff on the base, and the children in the childcare located there, to a greater risk of harm. We therefore believe that the greater public interest lies in maintaining the exemption for this information.

Section 38

Section 38 applies to information that, if disclosed, would or would likely endanger the physical or mental health of any individual or endanger the safety of any individual. Women's refuges house vulnerable women and their children, many of whom have moved there to escape domestic violence and other abuse. Very often, the location of the refuges is not widely publicised to prevent the residents being located by their abusers and subjected to threats and further violence.

Consequently, the release of information about the location of childcare based in refuges would be likely to endanger the physical or mental health or the safety of the women and children who use these centres.

Again, section 38 is a qualified exemption, so we are required to apply the public interest test. We believe that the public interest is clearly in maintaining the exemption. The women and children that use these centres are vulnerable and the fact that their locations are not known to the public affords them greater protection and reduces the risk that they would suffer further harm. If we were to disclose the location of these refuges then it would make them ineffectual and would prompt many women who need the safety and anonymity offered by the refuge to not use this valuable service.

Section 40 (2)

Section 40(2) states that information is exempt from the requirement to disclose under the FOI Act if it satisfies the following criteria:

1. it is personal data about a third party (Section 40(2)(a)); and
2. its disclosure to the public would contravene any of the data protection principles (Section 40(2)(b) and 40(3)(a)(i)). The data protection principles are set out in Part 1 of Schedule 1 of the DPA.

Some of the telephone numbers we have listed for the settings specifically state that they are personal contact details. These constitute personal data about an individual so the first criterion is satisfied.

The first data protection principle requires that any processing of personal data, including disclosure, is fair and lawful and meets relevant conditions from schedules 2 and 3 of the DPA. Disclosure can be considered to be fair if the individual to whom the personal data relates ("the data subject") has consented to the disclosure or has a reasonable expectation that their information will be disclosed to the public, or if the disclosure is otherwise reasonable in the circumstances of the case.

In this case, the requested information is the providers' personal data, specifically their personal telephone numbers, which we do not have consent to disclose to the public, and the individuals concerned have no expectation that we would do so. Disclosure would therefore not be fair, as required by the first data protection principle.

In addition to this, although some providers based on domestic premises have given us with consent to publish their details on our website, they have not given us consent to provide this information as part of a stand-alone list. Should a provider retract their consent in the future their details would be removed from our website. It would not be fair for us to provide a list of personal data that we are unable to amend should an individual request that we no longer publish their personal details. Again disclosure would not be fair, as required by the first data protection principle.

This being the case, the second of the above criteria is also satisfied. The exemption at section 40(2) of the FOI Act therefore applies to the personal information you have requested and we are not disclosing it to you.

Disclosed Information

Please find attached five spreadsheets containing the information that we are able to disclose to you with some information relating to provider addresses, telephone numbers, information on women's refuges and some providers on military bases removed. A black cell in the spreadsheet indicates where we have removed exempt information in isolation.

Please note that the copyright and database rights in the document we are disclosing belong to the crown. Disclosure under the FOI Act does not entitle you to use the document in breach of the crown's copyright and database rights. Subject to these, material may be reproduced in part or in whole free of charge in any format or medium for any non-commercial educational purposes, such as research, private

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I trust that this letter clearly explains our decision. If you have any queries about our response, please contact me on 0300 013 1287 and I will do my best to address them.

Alternatively, if you are dissatisfied with our response or the handling of your request, you may request a formal internal review. In order to do this, please write to the following address, setting out which areas of the response you are unhappy with:

Email: Alma.Kucera@ofsted.gov.uk or write to:

Head of Information
Commercial Services Division
Ofsted
Aviation House
125 Kingsway
London
WC2B 6SE

If you are not content with the outcome of the internal review, you also have the right to apply to the Information Commissioner for a decision as to whether or not we have complied with our obligations under the FOI Act with respect to your request. The Information Commissioner can be contacted at:

FOI Case Reception Unit
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Alastair O'Neill", with a long horizontal flourish extending to the right.

Alastair O'Neill
Information Delivery Officer
Information Management Team

