

10th March 2021

Dear Mr Kayanja

Freedom of Information Request

I write in connection with your request for information, which was received by St Peters College, (the College) on 8 January 2021. Please accept my apologies for the lateness of this response. I note you seek access to the following information:

1. Any email correspondence (including attachments) from September 2020 to December 2020 between students at St Peter's College and the Accommodation Office that discusses the conduct of scouts in relation to COVID-19 guidelines.

2. Any internal email correspondence (including attachments) from September 2020 to December 2020 by members of the Accommodation Office to any staff in St Peter's College that discusses the conduct of scouts in relation to COVID-19 guidelines.

Please note, emails referring to 'the conduct of scouts in relation to COVID-19 guidelines' could include any email complaints around scouts not following COVID-19 guidelines, any emails sent to scouts or other staff on how scouts should follow COVID-19 guidelines, or any other emails that explicitly discuss how scouts have or should be following COVID-19 guidelines

DECISION

In relation to your request.

The College neither confirms nor denies that it holds the information you have requested as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the Section 40(5) exemption. This response therefore represents a Refusal Notice in accordance with Section 17(1) of the Act.

Please see the legal annex for the sections of the Act that are referred to in this letter.

REASON FOR DECISION

A Freedom of Information Act request is not a private transaction. Both the request itself, and any information disclosed, are considered suitable for open publication. This is because, under Freedom of Information, any information disclosed is released into the wider public domain, effectively to the world and not just to one individual. In the main Personal Data is exempt from disclosure under the Freedom of Information Act. To confirm or deny whether personal information exists in response to your request could publicly reveal information about an individual or individuals, thereby breaching the right to privacy afforded to persons under the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (UK GDPR).

Where an individual is requesting his or her own personal data the information is always exempt. Such information can be requested under other legislation (please see the advice and assistance section below). Where an individual is requesting third party personal data the College must ensure that any action taken adheres to the principles of the Data Protection Act 2018 and the UK GDPR. To clarify, the Freedom of Information Act only allows disclosure of personal data if that disclosure would be compliant with the principles for processing personal data. These principles are outlined under section 34 of the DPA 2018 and under Article 5 of the UK GDPR.

Legal Annex

Section 17(1) of the Act provides:

A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which—Official Sensitive Official Sensitive (a) states that fact, (b) specifies the exemption in question, and (c) states (if that would not otherwise be apparent) why the exemption applies.

Section 40(5A)&(5B)(a)(i) of the Act provides: (5A) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1). (5B) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies— (a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)— (i) would (apart from this Act) contravene any of the data protection principles.

Yours Sincerely

Douglas Shaw, Bursar

COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require the College to review their decision.
Prior to lodging a formal complaint you are welcome to discuss the response with us.

Complaint

If you are dissatisfied with the handling procedures or the decision of the College made under the Freedom of Information Act 2000 regarding access to information you can lodge a complaint with the College to have the decision reviewed. Complaints should be made in writing, within forty (40) working days from the date of the refusal notice, and addressed to The Bursar of St Peter's College. In all possible circumstances the College will aim to respond to your complaint within 20 working days.

The Information Commissioner

After lodging a complaint with the College if you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk. Alternatively, write to or phone:

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Phone: 0303 123 1113