



Information Compliance
Information Services

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Cathy Darling

Correspondence via e-mail to: request-467763-b45fe978@whatdotheyknow.com

10th April 2018

Dear Ms Darling

Internal Review of FOI request 2018/032

Thank you for your request for an internal review of our response to your request for information about the number of staff in the Graduate school.

We have reviewed your request and uphold our original response.

There were less than five (<5) members of staff at City's Graduate School between 1st April 2016 and 1st April 2017.

The Information Commissioner's Office has advised that; if data relates to less than five individuals or fewer, the information should be treated as personal data as there is a significant possibility that should the data be disclosed, those individuals may identify themselves or for others to identify them. Therefore, we have withheld the actual number and their job titles, under section of Section 40 (2) of the Act. Information available under Data Protection Act 1998.

https://ico.org.uk/media/action-weve-taken/decision-notice/2010/558138/fs_50269949.pdf

Paragraph 22: ...the requested information relates to a small number of individuals and disclosing it would be likely to provide information that could be tied to a specific individual. This would constitute a disclosure of personal data.

FOI exemption Section 40 (2) provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act 1998. Personal data of third parties can be disclosed only in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act. We do not think that it is fair to disclose the

information requested, members of staff (less than five) would have had no expectation that their details would be released into the public domain and to do so without their consent would be unfair and so unlawful under the first principle of the Data Protection Act.

If you are dissatisfied with the outcome of my decision, you have a right of appeal to the Information Commissioner's Office. Details follow for ease of reference.

By Post Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

By Telephone 01625 545 700

Via the Website www.ico.org.uk

If you have any queries or concerns, please contact me.

Yours sincerely,



Claire Priestley

Director of Information Technology