



Education & Skills
Funding Agency

Department for Education
Bishopsgate House
Feethams
Darlington
DL1 5QE
Tel: 0370 000 2288
www.education.gov.uk

Ref: 2018-0015393

Mr Andrew Jolley

Via email: request-473765-293f718c@whatdotheyknow.com

24 May 2018

Dear Mr Jolley

Thank you for your request for information, which was received on 27 March 2018. Your request was as follows:

"Dear Department for Education,

I would like to see any of the Manchester Creative Studio Trust minutes held by the department, ESFA or RSC.

Obviously I would wish to reduce the impact of this request so would exclude those produced under the new regime which took over in June 17.

I would consider reducing the list further to the two years prior to the takeover if necessary to comply with any volume issues, but ideally i would like to see any minutes held. I am asking the DFE because the current trustees state they have no access to the old minutes and my understanding is that trusts are obliged to supply the department with copies.

Yours faithfully,

Andrew Jolley "

I have dealt with your request under the Freedom of Information Act 2000 ("the Act").

A copy of the information which can be disclosed is enclosed with this letter. However, we have redacted some of the information in the relevant documents for the following reasons.

Section 22

We have applied Section 22 of the Act to some of the information that you have requested. Section 22 exempts information requested by the applicant if it is intended for future publication. The Act recognises the desirability of information being publicly available in its own right, but Section 22 also acknowledges that public authorities must have freedom to determine their

own publication timetables. In this instance, the information that we are redacting relates to capital funding provided by the Department. The Department has agreed to publish these costs in the near future.

Section 22 is a qualified exemption and therefore a public interest test is required. In conducting this test the following factors have been taken into consideration. Whilst release of information in the reports requested could provide transparency, the information is held in minutes that have not been produced or agreed by the Department and we are not in a position to validate their accuracy. The public interest would not be served by the publication of potentially inaccurate information when accurate information is due to be published anyway in due course.

Section 40

We have applied Section 40(2) (personal data) of the Act to some of the information that you have requested. This is because the information in question includes third party personal data. Personal data is that which relates to a living individual who can be identified from that data, or from that data and other information which is likely to be in, or to come into, the possession of the requestor. Disclosure of this information would contravene a number of the data protection principles in the Data Protection Act 1998, and would be regarded as 'unfair'. By that, we mean the likely expectations of the data subject that his or her information would not be disclosed to others and the effect which disclosure would have on the data subject. Section 40(2) is an absolute exemption and is not subject to the public interest test.

Section 43(2)

We have applied Section 43(2) (commercial interests) of the Act to some of the information that you have requested. This is because releasing this information could be commercially prejudicial to parties with which the trust was contracting. Section 43(2) is a qualified exemption and therefore a public interest test is required. In conducting this test, the following factors have been taken into consideration. Whilst release of information in the reports requested would provide transparency, it would also be likely to prejudice the commercial interests of parties with which the trust was contracting. This is because such information could be damaging to their reputation and, as a result, be prejudicial to their commercial bargaining position. Therefore, on balance we consider that it is not in the public interest to disclose this information.

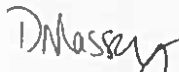
Annex A to this letter provides a schedule outlining the information that cannot be disclosed and the relevant statutory basis for this.

If you are unhappy with the way your request has been handled, you should make a complaint to the Department by writing to me within two calendar months of the date of this letter. Please remember to quote the reference number above in any future communications. Your complaint will be

considered by an independent review panel, who were not involved in the original consideration of your request.

If you are not content with the outcome of your complaint to the Department, you may then contact the Information Commissioner's Office.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'D Massey', with a stylized flourish at the end.

David Massey
Provider Risk and Assurance
Education and Skills Funding Agency

Schedule of Redactions

<i>Doc Ref</i>	<i>Document</i>	<i>Section</i>	<i>Exemption Applied</i>
Fol 02	MCS and CSFS Board – 11/02/2016	Item 8, Item 9	S.40
Fol 04	MCS and CSFS Board – 20/06/2016	Item 4	S.43, S.40
Fol 05	MCS and CSFS Board – 21/04/2015	Item 6	S.22, S.40, S.43
Fol 06	MCS and CSFS Board – 25/08/2015	Item 2	S.22
		Item 6	s.40
		Item 11	S.43
Fol 08	MCS Board – 02/07/2014	Item 7	S.43
Fol 09	MCS Board – 05/07/2016	Attendees	S.40
		Item 2	S.40
		Item 5, Item 6	S.40
Fol 25	MCS Committee – 02/07/2015	Financials	S.22
Fol 27	MCS Committee – 01/03/2016	Item 1, Item 4	S.40
Fol 28	MCS Committee – 18/11/2015	Item 7	S.43
Fol 29	MCS LGB – 01/12/2015	Item 4:	S.40
		Item 6	S.43
Fol 31	MCS LGB – 14/07/2015	Item 4:	S.40
		Financials	S.22