

Our Ref: FOI/1575/09C

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Head of Information Governance

17 July 2009

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Dear Mr Hupfield,

I write in response to your request for an internal review regarding the authority's handling of your request, concerning the Elective Home Education Review. I have considered the history of your request and find that your questions made under the Freedom of Information Act 2000 have been responded to by either Lian Stibbs (Access to Information Officer) and Catherine Lantsbery (Access to Information Manager). I note you believe that your email of the 23 March was ignored; however, we informed you on 20 April that we did not consider it included a valid Freedom of Information request.

I have considered the response sent by Catherine Lantsbery on the 3 June 2009 and agree with her summary of events. I can confirm that the request was received on the 23 Feb 2009 and the information requested was indicated as "confidential" by the Elective Home Education Team and that section 41 of the Freedom of Information Act 2000 was considered. This is an absolute exemption and no public interest test is required. However on examination it was considered that the information did not meet the criteria for confidentiality. We were aware that the Department of Children and Families had applied a Section 36 (prejudice to the conduct of public affairs) exemption which is subject to a public interest test (PIT). This prompted a decision to consider section 36 on 20 March 2009. We notified you of our decision to hold a public interest test on 23 March 2009. The PIT took place on 7 May 2009, the consideration was not upheld and the information released on 12 May 2009.

There was some delay in holding the Public Interest Test – you were notified on the 23 March and the panel did not meet until the 7 May 2009. As already explained to you this was because certain Senior Officers who needed to meet to discuss the merits for and against release in light of Section 36 of the Freedom of Information Act 2000 were not available until this date. As a result of this meeting the requested information was released.

With specific reference to your letter of clarification dated 3/7/09 I shall address the following issues.

You made a request for a copy of all documentation related to the Public Interest Test. The emails and their relevance were assessed by the Access to Information Manager. Due to the large number of emails relating to your series of requests, some followed on from information which was deemed irrelevant. Our release related to both the PIT and discussions relating to the consideration surrounding section 36.

In relation to your comments, *"quite how the council expects me to inform them which emails/attachments may be missing"*. I apologise if the original response from Catherine Lantsbery was not clear. To reiterate, you indicated that you believed all information may not have been released. As Catherine Lantsbery stated, to the best of our knowledge, all relevant information that you requested relating to the public interest test has been released. I have no reason to believe that this is not the case. From the information that was provided to you, our intention was that you would clarify which specific email(s) you felt indicated that attachments or other information were missing. As you did not provide a clarification, Catherine Lantsbery then reviewed the information and could only find reference to one attachment, which was provided as part of the original release. As you were informed of this previously we cannot take this matter further until you provide the clarification requested.

I am unable to comment on why Mr Peter Traves in responding to your email dated 18 May 2009 used a public arena. However, I can state that while you may feel that data included was personal to you, personal data as defined by the Data Protection Act 1998 was not included in the response. May I add that you chose to respond to Mr Traves, via a public forum therefore releasing further information regarding your situation.

Issues discussed at the public interest test are not recorded ad verbatim. Rather a full summary of the main points are recorded. The decision is now publically available on our website at the following address –

[Freedom of Information Public Interest Tests](#)

If you have any further comments relating to how your request has been handled by our authority, please contact the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely



Philip A. Jones
Head of Information Governance