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Kevin Boyle  
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Our Ref: DE/2022-0132  
21 November 2022

Dear Mr Boyle

## **FREEDOM OF INFORMATION ACT 2000 – REQUEST FOR INFORMATION**

I refer to your email dated 24 October 2022 to the Department, in which you asked for -

*CCEA have confirmed that the reports referred to were commissioned by the Department of Education (DE) and involved GCSE and A level grading. A report relating to A level Modern Languages Grading was submitted to DE in June 2020 and a report relating to GCSE Modern Languages Grading was submitted to DE in March 2021. Could I have a copy of these reports please?*

The information you have requested is being withheld as it falls under section 35 of the Freedom of Information Act. Appendix A of this letter sets out the exemption in full, as well as the factors the Department considered when deciding where the public interest lay. It also includes a list of the types of documents analysed when considering your request.

Should you be unhappy with the level of service you have received in relation to your request, you may ask for an internal review within two calendar months of the date of this email. You may write to the Departmental Information Manager, Rathgael House, 43 Balloo Road, Rathgill, Bangor, BT19 7PR or send an email to [freedom.info@education-ni.gov.uk](mailto:freedom.info@education-ni.gov.uk), if you wish to make a complaint. Please quote the reference number above.

If you are not content with the outcome of the internal review, you have a right to apply directly to the Information Commissioner for a review of the original decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire

SK9 5AF  
Tel: 01625545826

Yours sincerely

A handwritten signature in black ink, appearing to read "Sam Dempster". The signature is written in a cursive style with a long horizontal flourish underneath.

**SAM DEMPSTER**  
**CURRICULUM TEAM**

## Annex A - Public Interest Test

<p>Section 35 Information relating to Government Policy/Ministerial Communications</p> <p>Information held by a government department or by the National Assembly for Wales is exempt information if it relates to: the formulation or development of government policy. In considering the public interest test in connection with the formulation or development of government policy, section 35 provides that regard must be had to the particular public interest in the disclosure of factual information that has been used, or is intended to be used, to provide an informed background to the decision-taking.</p>	
Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> <li>• The right of the public to have access to information;</li> <li>• Disclosure will reveal reasons for decisions;</li> <li>• The accountability of administrators and scrutiny of decision-making processes;</li> <li>• There is a presumption of a general public interest in disclosure. It would promote transparency and accountability of public authorities, greater public awareness and confidence in the Government's policy and decision-making processes.</li> </ul>	<ul style="list-style-type: none"> <li>• The need to preserve confidentiality having regard to the subject matter and the circumstances of the information;</li> <li>• Where release of the records could impair the integrity and viability of the decision making process to a significant or substantial degree without a compensating benefit to the public;</li> <li>• When broader community interests must be considered, as distinct from those of the applicant and the subject of the information;</li> <li>• While frank and open debate is a key component of high quality policy formulation, there is a public interest, in appropriate situations, in maintain a private space for discussion away from public scrutiny to effectively formulate and develop policy.</li> <li>• The Department needs to be able to discuss and evaluate various policy options with candour and the release of material outlining the discussions between colleagues in the EA may inhibit that.</li> <li>• The disclosure of such information would diminish the quality of the decision making process, resulting in weaker policy formulation.</li> </ul>

Reasons why public interest favours withholding information:

The language reports submitted by CCEA are being reviewed to inform policy development. While disclosure of information may better inform the public about ongoing policy developments and discussions taking place, there is a significant risk that the release of certain information could impact on future relations with the school practitioners. The Department, in conjunction with other stakeholders, needs a safe space within which to debate live policy issues freely and frankly and the release of information could prevent views and opinions being expressed which would prejudice policy development and its subsequent implementation. It is, therefore, the Department's view that under Section 35 (1) (a) the arguments in favour of non-disclosure of a part of the information outweigh those in favour of disclosure.