



Department for Education

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www.education.gov.uk/contactus/dfe

13 August 2018

Ref: 2018-0026457

Dear Jen Persson

Thank you for your request for information, which was received on 18 June 2018. You requested:

re the consultation outcome referred to in the paragraph 9.1

http://www.legislation.gov.uk/ukxi/2018/607/pdfs/ukxiem_20180607_en.pdf:

**EXPLANATORY MEMORANDUM TO THE HIGHER EDUCATION AND RESEARCH ACT
2017 (COOPERATION AND INFORMATION SHARING) REGULATIONS 2018 2018 No.
607**

"Consultation took place widely within DfE and with HEFCE during Autumn 2017 to ascertain the bodies that HEFCE had historically shared information with and any new types of information sharing which would be needed by the OfS in future.

"The purpose of the information sharing, and whether it would be primarily for OfS functions or the functions of the other body was then determined through a further round of consultations within both the Department for Education and the bodies themselves between January and March 2018. "

Please provide the minutes from both sets of discussions. If no minutes were taken and are therefore not available, please provide the record from such meetings in whatever form available.

Thank you for your consideration.

Sincerely,

I have dealt with your request under the Freedom of Information Act 2000 ("the Act"). The Department holds information that you requested.

A copy of the information which can be disclosed is provided at **Annex A**.

Some information is being withheld because the following exemption(s) apply to this information:

Section 40 - Personal Information

The information in question includes 3rd 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 requester. Disclosure of this information would be considered unfair under Data Protection Act / General Data Protection Regulation 2018. 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 35 - Formulation of Government Policy

Section 35 is aimed at protecting the government policy-making process and its proper use is essential to ensuring the delivery of effective government. Some information is being withheld under this exemption from items 1, 15, 16, and 17 in Annex A, which relate to ongoing policy development between the Department, OfS and HMRÇ.

In applying section 35(1)(a), the Act requires that the Department balances the public interest in withholding the information against the public interest in disclosing the information. There is a general public interest in disclosure. Knowledge of the way that the department works increases if the information on which decisions have been made is available. This can lead to public contribution to the policy making process becoming more effective.

However, it is in the public interest that the formulation of government policy and government decision making can proceed in the self-contained space needed to ensure that it is done well. Good government depends on good decision making and this needs to be based on the best advice available and a full consideration of the options. Without protecting the thinking space and the ability for Ministers and senior officials to receive free and frank advice, there is likely to be a corrosive effect on the conduct of good government, with a risk that decision making will become poorer and will be recorded inadequately.

It is the Department's view that the public interest in non-disclosure outweighs the public interest in disclosure in this case. Disclosure of the withheld information would be likely to have a potentially corrosive effect on good government and lead to less fully-informed decision making. This is not in the public interest.

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If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

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. Your complaint will be considered by an independent review panel, which 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,

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