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12 November 2020

Dear Andrew Keenan,

Thank you for your request for information, which was received on 17 September 2020. You requested “any emails, documents or other records that relate to, or mention, the National Union of Students, sent or received by the Minister and/or her staff team & advisers. The period in question is 1 July to 17 September” and “details of all meetings of the Taskforce to date (17 September), including: Date and time of meeting; Duration of meeting; Attendance and apologies for each meeting; Minutes, papers and other documents circulated to participants; and the plans for any future meetings”.

On 13 October 2020 we sent you an partial response to this request for information, and informed you that a full response required additional time to enable the Department to consider whether the public interest lies in disclosing or withholding some information under Section 35(1)(a). On 29 October 2020 we informed you that an additional 10 working days were required to finalise the public interest test for this FOI request.

I am dealing with your request under the Freedom of Information Act 2000 (“the Act”). I have established that this letter and the enclosed information fulfils the remainder of your request for information.

Enclosed are copies of all emails, documents or records that relate to, or mention NUS, that have been sent or received by Minister Donelan, her staff and advisers between 1 July 2020 and 17 September 2020. Also enclosed are the official meetings notes of the HE Taskforce up to 17 September 2020, which contains information of the date/time and duration of the meetings, which organisations attended and any apologies. I have established that no further minutes, papers or documents such emails are held by the Department.

Please note that there is an typing error within the HE Taskforce meeting note for 4<sup>th</sup> September, which I have highlighted in yellow. The corrected sentence can be found below:

- Data 2020 shows around 12k students now qualify for first choice with 11k in England and just over 59 percent already have their first choice.

It should also be noted that the UCAS data included in the HE Taskforce meeting notes is historical and has been replaced by subsequent public releases. General statistics on the progression of students to HE in the 2020 entry cycle can be found here:

<https://www.ucas.com/corporate/news-and-key-documents/news/students-disadvantaged-backgrounds-more-likely-ever-be-accepted-university-results-day>

UCAS information regarding the number of students that received revised centre assessed grades, and the number placed at a university or college can be found in their initial release: <https://www.ucas.com/corporate/news-and-key-documents/news/ucas-receives->

[upgraded-centre-assessed-grades](https://www.ucas.com/corporate/news-and-key-documents/news/students-supported-return-preferred-choices) and their follow up release here:  
<https://www.ucas.com/corporate/news-and-key-documents/news/students-supported-return-preferred-choices>

The enclosed information includes a small number of redactions to which we are applying section 40(2) (personal data), and section 35(1)(a) (formulation or development of government policy).

Section 40(2) allows for the withholding of information if it relates to 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 General Data Protection Regulations/Data Protection Act 2018, 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 35(1)(a) allows for the withholding of information if it relates to the formulation or development of government policy. 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. We concluded that the public interest in maintaining the exemption and not disclosing the information outweighs the public interest in disclosure in this instance. I have set out below the particular factors which the Department considered when deciding where the public interest lay.

There is a general public interest in disclosure. Knowledge of the way government and arms-length bodies work increases, if the information on decision-making and the process of making decisions is made available. This can lead to public contribution to the policy making process becoming more effective. There is also general public interest in being able to see if Ministers are being briefed effectively on the key areas of policy the Department is taking forward.

Conversely, it is in the public interest that the formulation of policy and decision making by government and arms-length bodies, can proceed in the self-contained space needed to ensure that it is done well. Good government depends on good decision making, which needs to be based on the best advice available and with full consideration of the options, without fear of premature disclosure. 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, and therefore some information has been redacted in the enclosed materials. 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. The Department has concluded that, in this instance that public interest consideration was greater than the general public interest considerations for disclosure described above.

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If you have any queries about this letter, please contact me. Your correspondence has been allocated reference number 2020-0047589. Please remember to quote the reference number 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,

**HE Briefing Team**  
Department for Education