



Department
for Education

Office of the Regional Schools
Commissioner for the South West
2 Rivergate
Bristol
BS1 6EH

31st October 2019

request-592803-dce9f53e@whatdotheyknow.com

Dear Mr Caxton,

Thank you for your request for information, which was received on 26th July 2019. You requested:

'Copies of all information linked to the transfer of Gloucester Academy from Prospects to the White Horse Federation.'

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

The information that can be disclosed is enclosed, but some information is being withheld under s40(2) and, following a public interest test, s36 of the Act.

You will see there are a number of redactions where we have applied section 40(2) – Personal information – of the Act (the attached has been annotated accordingly).

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.

The Department holds the remainder of the information you requested, but it is being partially withheld under Section 36(2) of the Act - Prejudice to the effective conduct of public affairs.

Under Section 36(2), the Department is not required to provide information, if in the reasonable opinion of a qualified person (a Minister in the case of Government Departments) disclosure of the information under the Act would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

In relation to your request, a Minister has decided that, in his reasonable opinion, disclosure of the some of the information in scope is likely to have this prejudicial effect and therefore the exemption in Section 36 applies.

Section 36(2)(b)(i) and s36(2)(c) are qualified exemptions and therefore a public interest test has been carried out. In doing so the following factors have been considered:

The Department reassuring the public about the Government's commitment to transparency and the integrity of the democratic process.

However:

The disclosure of parts of the Sponsor Template and Headteacher Board papers, which contain analysis, future plans and judgements from both the department and third parties, would be hindered and the quality and range of free and frank advice and exchange of views for the purposes of deliberation would be compromised. This would inhibit the formulation of informed and well-considered decisions and could reduce the benefits of local intelligence of specific issues faced by schools in the region. The papers also contain financial information. Releasing this information could damage system relationships, undermine trust and ultimately lead to less transparency, diminishing the department's ability to provide free and frank advice to its leaders.

Having carefully considered arguments both in favour of withholding and in favour of disclosing the documents, we believe, on balance, it is in the public interest to withhold this information from public release.

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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, 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

Holly Ridout

South West Team
Regional Delivery Directorate