

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

12th November 2019

request-592803-dce9f53e@whatdotheyknow.com

Internal Review: 2019-0039607

Dear Mr Caxton,

I am writing to inform you that the department has now completed its internal appeal process following your complaint of 8th November 2019.

The department has made an independent re-assessment of the case, chaired by a senior official who was not involved with the original request nor is based in the South West Regional Delivery Directorate, and has decided that while some of the information cannot be disclosed for the reasons set out in the letter of 31st October, some information can be released.

I have enclosed three documents with a small number of redactions to which we are applying exemption Section 40(2) (personal data). Where we have applied Section 40(2), this is because the information in question includes third 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 requestor. In this instance we are applying this exemption to the names of staff below the 'level' of Senior Civil Servants (SCS), as staff at grades below SCS, and who do not have a public-facing role, are exempt from disclosure on the grounds that release 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.

The Independent panel reviewed the previously non-disclosed parts of the Sponsor Template and Headteacher Board papers, and made the decision that some of the information could be released, however, there remains some elements partially withheld under Section 36(2) (b)(i) and s36(2)(c) of the Act - Prejudice to the effective conduct of public affairs. Under these two limbs of Section 36(2), the department is not required to provide information, if in the reasonable opinion of the qualified person, in the instance of government departments this is a minister, it would otherwise prejudice, or would be likely to prejudice, the effective conduct of public affairs. Despite the discussions occurring five years ago, the papers contain analysis, future plans and judgements from both the department and third parties, if released could hinder the quality and range of free and frank advice between trusts and the department. 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. 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 senior officials.

Revised documents including information that can be disclosed are attached.

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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If the Commissioner comes to the conclusion that the information should be released, she will issue a decision notice which will set out the steps which the department must take and the date by which they must be taken.

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

Yours



Lucy Gordon
Deputy Director
South West Regional Delivery Directorate