

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 18 October 2022

**Public Authority:** Oak Grove Integrated College  
**Address:** Stradreagh  
Gransha Park  
Derry  
BT47 6TG

#### **Decision (including any steps ordered)**

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1. The complainant has requested copies of agendas and minutes of the Board of Governor's committee and sub-committee meetings for a specified time period.
2. Oak Grove Integrated College ("the College") initially provided sets of the committee minutes with redacted information which met part of the request. Following the Commissioner's intervention, the College supplied a copy of all the information requested with some redactions under section 40(2) (personal information) of FOIA.
3. The Commissioner's decision is that the College is correct to rely upon exemption under section 40(2) of FOIA for the information redacted. However, the College failed to respond to the complainant within statutory timeframe of 20 working days and so have breached section 10 of FOIA.
4. The Commissioner requires no steps as a result of this decision notice.

## **Request and response**

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5. The complainant made the following request for information under FOIA to the college on 21 December 2021:

“Could you please forward me a copy of the agendas/minutes of all Board of Governor meetings and meetings of sub-committees of the Board of Governors which have taken place since 01 April 2021.”
6. On 19 January 2021, the complainant contacted the Commissioner’s office as they had received no response from the college to their request.
7. On 31 January 2022, the Commissioner’s office wrote to the college to request that a response be provided to the complainant.
8. The College responded on 23 February 2022, they provided the complainant with scanned copies of the agendas and minutes of the Board of Governors Meetings with names redacted.
9. Following the intervention of the Commissioner, the College provided more information in their internal review on 6 April 2022.
10. The College subsequently provided a further updated response to the complainant on 11 October 2022, many redactions were removed in this response with the exception of information related to names linked to potential redundancy and health information.
11. It is the view of the Commissioner that the College has appropriately engaged section 40(2)(personal information) for the remaining redactions.

## **Reasons for decision**

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### **Section 10 - Time for compliance**

12. Section 1(1) of FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
13. Section 10(1) of FOIA states that on receipt of a request for information, a public authority should respond to the applicant within 20 working days.

14. In this case, the complainant originally submitted the request on 21 December 2022 and the College provided its response, following the intervention of the Commissioner's office, on 23 February 2022. It has therefore breached sections 1(1) and 10(1) of FOIA by failing to respond to the request within 20 working days.

#### **Section 40 -personal information**

15. Section 40(2) provides an exemption for information that is the personal data of an individual other than the requester and where the disclosure of that personal data would be in breach of any of the data protection principles.
16. Section 3(2) of the Data Protection Act 2018 defines personal data as:  
"any information relating to an identified or identifiable living individual."
17. The two main elements of personal data are that the information must relate to a living person and that the person must be identifiable.
18. In this case, the complainant has requested minutes of meetings which are not ordinarily published to the world at large. They contain some information relating to absence of staff due to illness. They also contain information relating to the potential redundancy of specific staff which did not then take place.
19. The Commissioner is satisfied that the requested information is personal data as it relates to and identifies individuals who would have no expectation of this information being shared under FOIA. Information relating to absence and health would also fall within "special category" data in respect of the definition of 'personal data' in section 3(2) of the DPA.
20. The next step is to consider whether disclosure of this personal data would be in breach of any of the data protection principles. The Commissioner has focussed here on principle (a), which states:  
"Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject."
21. In the case of an FOIA request, the personal data is processed when it is disclosed in response to the request. This means that the information can only be disclosed if to do so would be lawful, fair, and transparent.
22. When considering whether the disclosure of personal information would be lawful, the Commissioner must consider whether there is a legitimate interest in disclosing the information, whether disclosure of the

information is necessary, and whether these interests override the rights and freedoms of the individuals whose personal information it is.

23. The Commissioner considers that the complainant is pursuing a legitimate interest and that disclosure of the requested information is necessary to meet that legitimate interest. However, the Commissioner also considers that the individuals whose information is recorded have a strong reasonable expectation that their names, particularly when linked to special category data such as health information, would be withheld.
24. The Commissioner has determined that there is insufficient legitimate interest to outweigh the fundamental rights and freedoms of the individuals concerned. Therefore, he considers that there is no legal basis for the College to disclose the redacted information and to do so would be in breach of principle (a).
25. The Commissioner's decision is that the College is entitled to rely on section 40(2) of the FOIA to refuse to provide the redacted information. He requires no further action to be taken by the Council in relation to this request.

## Right of appeal

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26. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

27. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
28. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

## Signed

**Phillip Angell**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**