

15 August 2023

IC-245463-F4Y1

Request

You asked us:

- 1) *I would be grateful if you would supply [REDACTED] with copies of any written communications (letters or emails) which the Information Commissioner's Office (NI) exchanged with GTCNI in relation to FOI requests received from [REDACTED] by GTCNI between November 2022 and July 2023. The dates between which [REDACTED] would like copies of those written communications are between 30 November 2022 and 15 July 2023.*
- 2) *Further, I would be grateful if you would provide [REDACTED] with a copy of any notification which GTCNI provided to the Information Commissioner's Office, that the individual who was assigned to the role of DPO within the GTCNI [REDACTED] up to the end of October 2021, had provided notice and had retired from GTCNI in October 2021, and that the GTCNI did not have an appropriate data protection officer in place throughout November/ December of 2021.*
- 3) *I would be grateful if the ICO could provide [REDACTED] with a copy of any communication where GTCNI notified the office of the ICO that a new data protection officer had been properly appointed after the retirement of [REDACTED] the Data Protection Officer in October 2021.*
- 4) *I would also be grateful if the ICO could provide [REDACTED] with copies of any subsequent communication from GTCNI to the ICO where GTCNI notified the office of the ICO that any new data protection officer had been properly appointed.*
- 5) *I would be grateful if the ICO could provide [REDACTED] with copies of any communications sent between the office of the ICO and the GTCNI regarding the appointment of a DPO after October 2021."*

We received your request on 18 July 2023.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

We confirm that we do hold some information in scope of your request. Please see the responses to your questions below.

Question 1

Between 30 November 2022 and 15 July 2023 the ICO did not correspond with the General Teaching Council for Northern Ireland (GTCNI) in response to a Freedom of Information complaint from [REDACTED]. Therefore, no information is held by the ICO regarding this aspect of your request.

Question 2, 3 and 4

We have searched our records for correspondence sent between the ICO and GTCNI between October 2021 and July 2023 concerning the change of a DPO at GTCNI. Please find enclosed emails from GTCNI where they have contacted the ICO to update these details.

We are unable to confirm whether we received any such correspondence in 2021 or 2022 as when we conducted searches for these emails, we have only located emails from 2023. This could be because we did not receive the correspondence or because any other emails have been deleted automatically in line with our retention policy. You can find further information about our retention policy here: [Retention and Disposal Policy \(ico.org.uk\)](https://ico.org.uk/retention-and-disposal-policy)

Question 5

We have searched our records for any other correspondence sent between October 2021 and July 2023 that refers to the appointment of a new DPO at GTCNI. Please find enclosed two email chains between the ICO and GTCNI where we have provided advice concerning the appointment of a new DPO.

Withheld information

As you will notice, we have redacted some information which will appear as a black box. The email correspondence includes the names, contact details and other personal details for employees, and previous employees at GTCNI, these

details are exempt under section 40(2) of the FOIA and have therefore been redacted.

Section 40(2) of the FOIA exempts information if it is personal data belonging to an individual other than the requester and it satisfies one of the conditions listed in the legislation.

We find that the condition at section 40(3A)(a) applies in this instance: that disclosure would breach one of the data protection principles. The principles are outlined in the General Data Protection Regulation (GDPR) with the relevant principle on this occasion being the first principle as provided by Article 5(1): that personal data shall be processed lawfully, fairly and in a transparent manner.

We do not consider that disclosing this information into the public domain is necessary. There is no strong legitimate interest that would override the prejudice to the rights and freedoms of the relevant data subjects. We have therefore taken the decision that disclosing this information would be unlawful, triggering the exemption at section 40(2) of the FOIA.

In addition, we have also redacted one internal email address that is not in the public domain. We have redacted this email address in accordance with section 44 of the FOIA. Section 44(1)(a) of the FOIA states:

"(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it – is prohibited by or under any enactment."

In this case, the Data Protection Act 2018, Part 5, Section 132 prohibits the disclosure of confidential information that:

*"(a) has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,
(b) relates to an identified or identifiable individual or business, and
(c) is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources,*

unless the disclosure is made with lawful authority."

The email address that was provided within the correspondence has not been made public by GTCNI. I do not consider that any of the gateways to lawful disclosure detailed by section 132 have been met, and as such this email address is also exempt.

This concludes our response to your request.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full review procedure [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint through our website](#).

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely,



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