

11 March 2024

IC-290988-X5X8

Request

In summary, you asked us:

"we have recently had a couple of incidents relating to IT systems used by the school, where systems have potentially been exploited.

How would I find out if these have been reported as breaches to yourselves by the company [ClassCharts (Edukey)] who supply these services to us and gain further information about how the school's records might have been accessed, copied or deleted?"

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

Our response

We have searched our records based on the information you provided and can confirm that we hold some information within the scope of your request.

ClassCharts is part of Tes Global Ltd, who have reported 1 personal data breach (PDB) to the ICO.

This PDB was reported to the ICO on 1 January 2023. Our investigation was closed on 3 October 2023 with the closure status 'No Further Action.'

Further details about the PDB have been withheld from disclosure under the provisions of section 44 of the FOIA which places prohibitions on disclosure. This exemption is an absolute exemption, which does not require a consideration of the public interest test of the type required by the qualified exemptions.

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 -

(a) is prohibited by or under any enactment'

The enactment in question is the Data Protection Act 2018 and specifically section 132(1) of part 5 of that Act. This states that:

"A person who is or has been the Commissioner, or a member of the Commissioner's staff or an agent of the Commissioner, must not disclose information which—

(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."

Section 132(2) lists the circumstances in which a disclosure can be made with lawful authority, however we find that none of them apply here. As a result the information is exempt under the FOIA and withheld from our response.

Please be aware that Tes Global Ltd is a large company that handles the information relating to many schools, and so the PDB reported in 2023 may or may not relate to your school's data. For further detail about your own school's data, please contact Tes Global Ltd directly using the information provided in their privacy policy.

No other information has been redacted or withheld from disclosure.

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



Information Access Team
Risk and Governance Department, Corporate Strategy and
Planning Service
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email
**For information about what we do with personal
data see our [privacy notice](#)**