

31 August 2023

## **ICO Case Reference IC-252203-Y3D9**

### **Request for information**

Request, regarding St Michaels Church in Wales Primary School, received 15 August 2023:

*"It is still however unclear the timeframe in which the school reported the breach and what breach they actually reported to you..."*

*"provide detail of the breach/es reported and their timeframe along with any action taken above reminding the school of their responsibilities".*

Your request has been handled under the Freedom of Information Act 2000 (the FOIA). As you are aware, this legislation provides public access to recorded information held by a public authority unless an appropriate exemption applies.

### **Our response**

We can confirm that a personal data breach report was made, and so we do hold information within scope of your request.

Please find attached copies of the information requested to which you are entitled. Some information has been redacted because it is third party data. Further explanation of this is provided below.

### **FOIA section 40(2)**

Some third-party personal data has been redacted in our response. 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 or justified. 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.

This concludes our response to your request.

### **FOI review procedure**

If you are dissatisfied and wish to request a review of our decision or make a complaint about how your request has been handled you should write to the Information Access Team at [accessicoinformation@ico.org.uk](mailto:accessicoinformation@ico.org.uk), or the postal address below.

Your request for internal review should be submitted to us within 40 working days of your receipt of this response. Any such request received after this time will be considered only at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation.

To make such an application, please write to our FOI Complaints and Compliance team at the address given, or visit our website at [Official information concern | ICO](#).

## **Your information**

Our [Privacy Notice](#) explains what we do with the personal data you provide to us and what your rights are. This notice includes entries regarding the specific purpose and legal basis for the ICO processing information that people such as [information requesters](#) have provided to us.

The length of time we keep information is laid out in our [retention and disposal policy](#).

Yours sincerely

Information Access Team  
Strategic Planning and Transformation

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