

14 June 2024

IC-307685-R6B9

Request

You asked us:

"You have published the 'Ethnically minoritised background' of staff by grade as of 31 March 2023:

[...]

1. Please provide the number of (i) 'Black' and (ii) 'Asian' staff in each of the grades B to H.

The Ethnicity Pay Gap for 'Othe Ethnic Group' is -44%.

2. Can you confirm that this means that people in this group are paid 44% more than those in 'White'?

3. Please provide the number of individuals in the Other Ethnic Group broken down by ethnicity."

We received your request on 20 May 2024.

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

Please note that as you have made this request with reference to our [blog on our gender and ethnicity pay gaps](#), we have interpreted this request as being for the numbers that were used to calculate the ethnicity pay gap for March 2023. There have been minimal changes to the ethnicity information we hold since this time.

Our response

I can confirm that we hold information in scope of your request.

"1. Please provide the number of (i) 'Black' and (ii) 'Asian' staff in each of the grades B to H."

Please see below for a table showing the information requested. Figures that are lower than five have been listed as less than five on the table (<5'). The exact figures for these have been withheld under section 40(2) of the FOIA. Please see below for further information on this.

	Level B	Level C	Level D	Level E	Level F	Level G	Level G2	Level H
Asian	<5	16	6	5	7	5	<5	<5
Black	<5	7	<5	<5	<5	<5	<5	<5

"The Ethnicity Pay Gap for 'Other Ethnic Group' is -44%.

2. Can you confirm that this means that people in this group are paid 44% more than those in 'White'?"

This is correct.

"3. Please provide the number of individuals in the Other Ethnic Group broken down by ethnicity."

We do not strictly hold information in scope as 'Other Ethnic Group' is itself a category, rather than a collection of categories in this context. Please see our latest [published equality information](#) for more information – the ethnic information is published on page 12, and you will note that one member of staff declared as 'Other ethnicity.'

Information withheld

FOIA section 40(2)

Figures on the table above that total less than five have been withheld from our response. This is because this information could be used to identify individual members of staff and reveal special category data about them.

Whilst disclosure of the total numbers of staff by ethnicity, as we have done in our [published equality information](#), is not enough to identify individual members of staff, we believe that information combined with pay grades and potentially other publicly available information could be used to identify individuals.

Our [Employee information disclosure policy](#) sets out the types of information that we expect to disclose about staff members in response to information requests. Under the section 'Information unlikely to be disclosed about you under FOI', on page nine, we identify special category data – including ethnicity information – as being information that we are unlikely to disclose. Because of this, we believe that staff do not expect information that could identify them and reveal information about their ethnicity to be disclosed under FOI.

We therefore believe that disclosure of this data would break the first principle of data protection – that personal data is processed lawfully, fairly and in a transparent manner.

There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned. So we are withholding the information under section 40(2) of the FOIA.

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 sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely

ico.

Information Commissioner's Office



Information Access Team
Strategic Planning and Transformation
Information Commissioner's Office, Wycliffe House, Water
Lane, Wilmslow, Cheshire SK9 5AF
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