

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 May 2024

Public Authority: The Governing Body of Uppingham
Community College

Address: London Road
Uppingham LE15 9TJ

Decision (including any steps ordered)

1. The complainant has requested information about certain pupils' attendance at Uppingham Community College (UCC). UCC initially advised it was withholding all the information under section 40(2) of FOIA, which concerns personal data. It subsequently provided some relevant information and indicated that it didn't hold the remainder. The Commissioner's decision is that UCC breached sections 1(1)(a) and 10(1) of FOIA but that, on the balance of probabilities, UCC doesn't hold the information requested in parts 1 and 3 of the request.
2. It's not necessary for UCC to take any corrective steps.

Request and response

3. The complainant made the following information request to UCC on 2 October 2023:
 - "1. The specific dates when the 4 pupils informed UCC they were leaving.
 2. The specific dates of the 4 pupils last day they attended UCC.

3. Dates of UCC's confirmation of these students attending another school.
4. Detailed information on the three additional applications with sibling link criteria, specifically:
 - a. The start date of their siblings at UCC.
 - b. The current year group of their siblings.
 - c. The date their siblings were allocated a place at UCC"
4. UCC's final position was that the requested information was exempt from disclosure under section 40(2) of FOIA.
5. As a result of their complaint to the Commissioner however, UCC wrote to the complainant again on 18 April 2024. It said that due to the passage of time it was able to provide a response to part 4b, and dates for part 2 and parts 4a and 4c.
6. For part 1, UCC advised the complainant that the information "wasn't available." Finally, UCC discussed part 3 more broadly and advised that the information wouldn't be "maintained in a specific format."

Reasons for decision

7. On 29 April 2024, the complainant advised the Commissioner that they didn't want to withdraw their complaint. They also noted a number of broad concerns that they have about UCC's handling of their request and concerns about a wider complaint they have about UCC. The Commissioner cannot consider UCC's admissions and appeals processes; his role is solely to consider whether UCC's handling of the request complied with FOIA.
8. The Commissioner considers that UCC has satisfactorily addressed parts 2 and 4 of the request. His investigation has focussed on parts 1 and 3.
9. Under section 1(1) of FOIA a public authority must (a) confirm to an applicant whether it holds the requested information in recorded form and (b) communicate the information to the applicant if it's held and isn't exempt from disclosure.
10. Section 10(1) of FOIA obliges a public authority to comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.

11. UCC's fresh response to parts 1 and 3 of the request wasn't clear to the Commissioner. He asked UCC to confirm to him whether it held the information requested in these parts and, if it did, to either communicate it or explain why it considered it was exempt information.
12. Part 1 of the request is for the specific dates when four students informed UCC they were leaving. UCC has now confirmed to the Commissioner that it doesn't hold this information. It says it doesn't have any system in place to record dates when students may inform it that they are leaving the school. UCC's admissions officer may occasionally receive email requests from other schools informing that officer that the school has received applications, but this was not the case this time.
13. The Commissioner has taken account of the information that's been requested in part 1 and UCC's explanation and, on the balance of probabilities, he accepts that UCC doesn't hold that information.
14. Part 3 of the request is for the dates when UCC confirmed these students would be, or were, attending another school. UCC has now confirmed to the Commissioner that it doesn't hold this information either. It says it doesn't hold this information in recorded form because the confirmations were not made via written communication. They were instead given via telephone, after which the admissions officer would have removed the students from UCC's roll.
15. The Commissioner has taken account of the information that's been requested in part 3 and UCC's explanation and, on the balance of probabilities, he again accepts that UCC doesn't hold that information.
16. However, the Commissioner finds that UCC breached section 1(1)(a) and section 10(1) of FOIA as it didn't clearly confirm to the complainant within 20 working days that it doesn't hold recorded information within scope of parts 1 and 3 of the request.

Right of appeal

17. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

18. 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.
19. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF