

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 October 2024

Public Authority: Council for the Curriculum Examinations & Assessment

Address: 29 Clarendon Dock
Clarendon Road
Belfast
BT1 3BG

Decision (including any steps ordered)

1. The complainant has requested information from the Council for Curriculum Examinations & Assessments ('the CCEA') relating to specific job posts. The CCEA disclosed the information it held.
2. The Commissioner's decision is that, on the balance of probabilities, the CCEA does not hold any additional information within the scope of the request.
3. The Commissioner does not require further steps.

Request and response

4. On 25 March 2024, the complainant wrote to CCEA and requested information in the following terms:
 - "01- Education Manager, Mathematics
 - 02 – Data Scientist Call-off list
 - 03- Education Manager Call-off (top up)
 - 04 – Estates Project Manager – Unsuccessfully Recruited
 - 05 – Education Manager (Service Delivery and Quality Assurance)
 - 06 – SPG Regulation (VQR)

- 07 – Property Project Manager (agency) (6th time)
- 08 – Statistics Manager, Regulation
- 09 – Director of Corporate Services & Finance – Closing 29.02.24
- 10 – Interim Director of Qualifications
- 11 – Director of Examinations
- 12 – Business Manager, EAA (EOI)
- 13 – Business Manager, DSSR (EOI)
- 14 – PM EAA
- 15 – PM DSSR
- 16 – SPG Business Assurance
- 17 – Programme Manager, Standards
- 18 – Education Manager Standards

For the above jobs could I please have:

1. A copy of the business cases and the minutes, presentations, notes/ records of the weekly Executive Team meetings where the Business managers presented these business cases for approval.
2. A copy of the minutes of the post approval meetings/ records for these posts with HR.

Could I also please get a copy of the above (1&2)for the Interim Business Manager Qualifications currently advertised.

Could I get a copy of the original person specification and job description for the Business Manager Quals/ Examinations (which [name redacted] Previously held) and a copy of the HR /Executive team approval meeting minutes (as indicated above) and a copy of the business case”

5. The CCEA responded on 23 April 2024. It stated that it was relying on section 14 to refuse the request. A position which it maintained during its internal review.

Scope of the case

6. The complainant contacted the Commissioner on 10 June 2024 to complain about the way their request for information had been handled.
7. The CCEA advised the Commissioner that while it still felt the request was vexatious, it considered that disclosing information within the scope of the request and not setting out any further section 14 arguments would be more appropriate. Therefore the Commissioner will not investigate the initial application of section 14 of FOIA.

8. The complainant advised the Commissioner that despite this release of information, they had not been provided with a copy of any minutes, presentations, note from weekly executive meetings where the business cases were presented for approval. They also advised that they had also not been provided with any records of the posts with HR. Alongside this, the complainant advised that a copy of the HR/Executive team approval minutes for the job description of Business Manager Quals/Examination also had not been provided.
9. Based on the above, the Commissioner considers that the scope of his investigation is to determine whether, on the balance of probabilities, CCEA holds further information within the scope of the request.

Reasons for decision

Section 1 – General right of access

10. Section 1 of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds that information and, if so, to have that information provided to them, unless it is otherwise exempt by virtue of one of the exemptions/provisions of FOIA.
11. In cases where there is some dispute about the amount of information stated to be held by a public authority and the amount of information that complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities to determine the matter. That is to say, the Commissioner will determine, on the balance of probabilities, whether it is likely or unlikely that the public authority holds information relevant to the complainant's request.
12. The Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the public authority to check whether the information is held and any other reasons or explanations by the public authority as to why they do not hold the requested information. To be clear, the Commissioner is not required to categorically prove whether the information is held, he is only required to make a judgement on whether the information is held on the civil standard of proof of the balance of probabilities.

The CCEA's position

13. The CCEA advised the Commissioner that on receipt of any request for information, its Data Protection officers will formally request a copy of any information within the scope from relevant teams. If any

information within the scope of a request is located, it is then reviewed before any exemptions or redactions are applied.

14. The CCEA explained that for this request and the information which related to business cases, the Human Resources team (HR team) conducted searches within recruitment file structure. It explained that this structure is organised by recruitment job title and is a central network system which contains one high level folder for recruitment. It added that this folder is only accessible by HR team members involved in recruitment due to the confidential nature of the work, which is why the HR team was the most appropriate team to undertake such a search.
15. CCEA advised that within the one high level folder, there are a number of sub folders for each job and within these sub folders, relevant information regarding this job is contained. The HR team was able to locate and reviewed the relevant sub folders for this request and provide the complainant with the information it held relevant to the scope of the request. It further explained that information would not be stored elsewhere on personal devices as all the information is already stored within the network and is required to be held for three years.
16. In regard to the approval of business cases, CCEA advised that the CEO's personal Assistant was sent through details of the request and liaised with HR colleagues to determine when business cases went to Executive team meeting. As the HR team is responsible for recruitment, it was able to confirm when the business cases went to the relevant Executive team meeting for approval.
17. This information was then provided to the CEO's personal assistant, who was then able to locate and retrieve the relevant Executive team meetings. The CEO's personal assistant was then able to extract the approval notes from the meetings and provided these to the complainant. The CCEA again confirmed that Executive team minutes are only accessible to the CEO Office and retained in a central network system for a required period of three years.
18. The CCEA advised that no information would be held in paper format as it had implemented changes in March 2020 which required all information of this nature to be held electronically. It confirmed that any information held would be dated after March 2020, which is how it had determined information would only be held in an electronic format.
19. The CCEA added that the requested information for the HR/Executive team approval minutes for the job description of Business Manager Quals/Examination had already been provided and no further information was held.

20. CCEA concluded that it has provided all information that it holds and it has not deleted or destroyed any information in the scope of the complainant's request.

The complainant's position

21. The complainant explained to the Commissioner that they had understood that CCEA's recruitment code requires it to hold copies of minutes and records of HR approval meetings.

The Commissioner decision

22. The Commissioner would firstly like to remind the complainant that it is not for him to determine what should or should not be held by a public authority for matters such as these. The Commissioner is only required to determine whether, on the balance of probabilities, the CCEA has provided all the information it holds and whether adequate searches have been conducted.
23. The Commissioner is satisfied that had any further information regarding the specific roles mentioned in the request been held, it would be held within these specific sub folders. As the HR team is the only team with access to such information and searches had taken place in these folders, the Commissioner is satisfied that, on the balance of probabilities, no further information is held.
24. The Commissioner notes that the complainant has been provided with HR/Executive team approval minutes for the job description of Business Manager Quals/Examination, and although the complainant believes that further information ought to be held, the Commissioner notes that the searches of each relevant sub folder, in particular the Business Manager Quals/Examination, would have located any additional information. As no such information was located, the Commissioner is satisfied that, on the balance of probabilities, no further information is held.
25. In regard to the second part of the request, the Commissioner is satisfied that as the HR team is responsible for recruitment, it was the most appropriate team to inform the CEO's personal assistant when the business cases were referred to executive team meetings. He further notes that the CEO's assistant was then able to locate and extract relevant information from these meeting minutes.
26. For this reason, the Commissioner is satisfied that, had any additional information been held, it would have been located by the HR team and the CEO's personal assistant. No steps are required.

27. Right of appeal
28. 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

29. 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.
30. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Michael Lea
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF