Your rights to your information





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Lessons in exploring information rights

The materials in this pack aim to give teachers a creative and engaging set of resources for use in the classroom, supplying the tools they need to raise awareness of key issues around **data protection** and **freedom of information**. The lessons explore what we mean by personal information, what we can share and what we should keep safe. Students will learn why our personal information is important, **how** to keep it safe and **what** our rights are.

The materials have been developed to allow teachers some flexibility in their approach, and provide them with resources that encourage active learning, with many opportunities for **student talk**, **discussion** and **questioning**. The activities will allow teachers to support young people to become more aware of their rights and responsibilities relating to data protection and freedom of information. Students will also learn where to go for help if they have a concern and how, as active citizens, they can use **data protection** and **freedom of information** for a wider social benefit.

There are four lessons in total:

- Strictly private? What is personal data?
- Private versus public
- Is there something I should know? Exercising our rights
- No secrets? Freedom of information

Each lesson is set out with aims and learning objectives supported by detailed teaching notes and resources. We hope teachers will feel free to customise the materials to suit their own context, perhaps by adapting the learning objectives, or by adding literacy targets for the lessons, highlighting new vocabulary or focusing on key questions as they see fit. Conscious of time constraints, teachers may want to take a 'mix and match' approach to the lesson topics, splitting and repackaging the four lessons presented in this pack into shorter sessions.

Strictly private? What is personal data?

Aims

- This session will explore what we mean by 'personal data' and whether everything that is *personal* needs to be *private*.
- Students will discuss how they share information.
- Students will be able to explore what kinds of personal data might be held about them and by whom.
- They will be introduced to the role of the Information Commissioner's Office (ICO) and some of the legal and regulatory framework protecting personal data.

Learning objectives

By the end of the session, students will be able to:

- explain what they mean by the term 'personal data';
- discuss levels of privacy appropriate to a range of personal data; and
- explain the role of the **ICO**.

Teachers might find it helpful to explore background information on personal information and the Data Protection Act at ico.org.uk/for-the-public/ personal-information before running this activity

Starter activity (15 mins)

 Show PowerPoint 1, slide 3 to the group. Can students guess what it shows?



Teacher note: It shows a global internet traffic map for an average day in October 2012. It illustrates how we live in a world where information flows from person to person, organisation to organisation, machine to machine, 24/7.

2. How do students in the group contribute to this flow of information in their everyday lives?

Ask students to work in pairs to compile a list of ways in which they contribute to this vast global flow of internet traffic. If necessary, prompt the start of the list – Facebook? YouTube? Flickr? Blog? Emails? Texts? Online shopping? Gaming?

3. Take feedback from the group – in what ways do they contribute to global internet traffic?



4. Potentially, there are large amounts of information about each one of us 'out there'.

Ask the group to consider what kind of information they have put out there about themselves. Are they happy or comfortable with the situation?

Teacher note: As a bridge to the lesson's main activity, suggest students think about the following:

- How many people have access to their information?
- How many organisations?
- Are there people or organisations with information about them that they wish they didn't have?

Main activity

1. Tell the group they are going to consider some questions about personal information.

Teacher note: You could ask – *What is 'personal' information anyway?*

Can the group suggest a difference between **personal** information and **private** information? For example:

- Information about me that I'm comfortable having made public for anyone to know.
- Information about me that only certain people should be able to know.

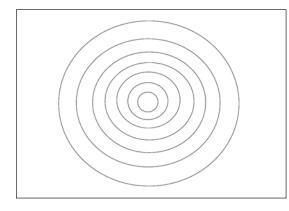
2. Tell students you would like them to consider the questions:

Do we share everything with everyone?

Who needs to know what?

Working in pairs or small groups, ask students to list as many people or organisations they can think of that hold information about them.

 Take feedback and share lists. Show PowerPoint 1, slide 4. If we were to think of ourselves at the centre of a pool of information, which people and which organisations should know – need to know – most about us?
E.g. where would they place parents, friends, school, bank, employers, police and so on?



 Next, ask students to think about what types of personal information they are happy to have held about them in these different zones.

Teacher note: Encourage students to suggest **types** of information rather than actual information. Start by suggesting some examples – which zone would be OK for contact information? Health record? Exam grades? Financial information? Criminal record?

Plenary (10 mins)

 Pose the question: Should there be rules about our personal information, such as who can see it, where it should be stored, who it can be shared with? Tell students that there is an organisation set up to safeguard information rights – the Information Commissioner's Office (ICO). Show PowerPoint 1, slide 4 showing a brief outline of the ICO's mission. (We will look more closely at the work of the ICO in following lessons.)



3. Final thoughts: From the session they have just completed, which words or phrases would they highlight from the list on PowerPoint 1, slide 5 as being the most relevant and important in terms of safeguarding all of our personal data?



Aims

- The session will review the learning from the previous session – the role of the ICO, personal data, and levels of privacy.
- Students will explore the kinds of personal data that could be held by a range of public and private organisations, and how it might be used.
- They will explore ways of staying in control of their personal data, and situations in which they might use the resources of the **ICO**.

Learning objectives

By the end of the session students will:

- understand how they may unintentionally disclose personal data;
- define the kinds of personal data that should be kept secure;
- list some of the personal data likely to be held about them and the organisations likely to hold it; and

 describe their rights in relation to how organisations should store and use their data.

Teachers will find helpful background information for this lesson at ico.org.uk/for-the-public/ is-my-information-being-handledcorrectly/

Starter activity (15 mins)

Show PowerPoint 2, slide 3.

 Beginning with the arrival of the first consumer computer in 1974, up to 2012 when text messages became the most-used method for daily communication with family and friends, the information environment has changed and grown. Nowadays it allows us all to generate, share and store huge amounts of information in our personal, academic and work lives. Can students match the milestone events with the correct date on the timeline?

Allow some thinking time in pairs or small groups before trying to compile a version with the whole class.

2. Once the exercise is complete, ask 'What does this timeline tell us?'

You might suggest:

- the pace of change is quickening;
- more and more of our lives is lived online;
- huge amounts of data must be shared and stored every minute; and
- we share lots of this information with friends and family but with companies and organisations as well.

- **3.** As part of this discussion, you might share with the class the information that, according to an Ofcom survey, the UK leads the way in mobile use, and, according to the Metropolitan Police, a determined criminal needs only three pieces of personal information to begin to carry out an identity theft.
- 4. As a bridge into the lesson's main activity, remind students of the Information Commissioner's Office (ICO) and its role in promoting data privacy (PowerPoint 2, slide 5).



Perhaps with so much of our personal data 'out there' we need to understand its value, know who has access to it and know how to keep it safe. We also need to be able to trust the organisations who use it to store it safely, keep it accurate and not share it without good reason.

Main activity (35 mins)

- Tell students they are going to consider some different examples of potentially sensitive personal information and where they think it lies on a continuum from 'private' to 'public' (remembering that 'public' could mean shared with organisations and businesses like schools, NHS, police, banks, Amazon and Facebook). They are also going to think about how sensitive the information might be – how risky it might be to let just anyone have access to it.
- Ask students to work in pairs or small groups. Hand out Worksheets 1 and 2. Ask groups to consider each piece of personal information in turn and decide where they would mark it on the graph on worksheet 1. They must be prepared to explain their decisions when they give feedback to the whole group.

NB This activity can be completed as a statement line-up exercise if preferred. The statements can be read out one at a time and students can move to a place on an imaginary public/private line on the floor to indicate how sensitive they think the information is.

- **3.** Take feedback from the group on where they have placed the various pieces of information.
 - How easy was it to decide?
 - Are there grey areas?
 - What sorts of things have they recorded as sensitive? Why?
 - What sorts of things might this information be used for?
 - Do they feel there should be some rules about how much of our personal information is available? And who can see it? And share it?

4. Raise the questions: How can we be sure that our personal information is safe? Do we have our own rules? Do we stick to them?

You might want to mention the following:

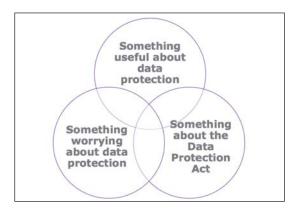
- A survey carried out by the ICO found that 88% of secondary school respondents had a social networking site profile where they shared all manner of personal information, news and views.
- 60% of the respondents had not read the privacy policies of the networking sites they used, while 32% didn't know what a privacy policy was, and 23% said they didn't know where to find it.
- Consumer research commissioned by Experian CreditExpert in 2012 found that the average person has 26 different online accounts. Worryingly, 24% of users use the same password for most profiles.

If we have (or should have!) some rules for keeping our personal data safe, what rules apply to organisations (for example schools, doctors, police, councils, banks, Facebook and Amazon) who also keep lots of data about us?

- 5. Raise the important point of each of us having to make assessments about the risks of our personal information going astray and making proportionate decisions about the levels of protection we might want to apply. So, for example, as students put more information in their smartphones, they should increase protection accordingly.
- 6. Show PowerPoint 2, slide 6, which shows the rules set out in the Data Protection Act enforced by the ICO. Anyone who processes personal information must comply with these eight principles of data protection.
- 7. Give students time to look at the eight principles and ask any questions. If they had to pick just three as being the minimum they would expect in terms of how organisations should treat their data, what would they be? Why?



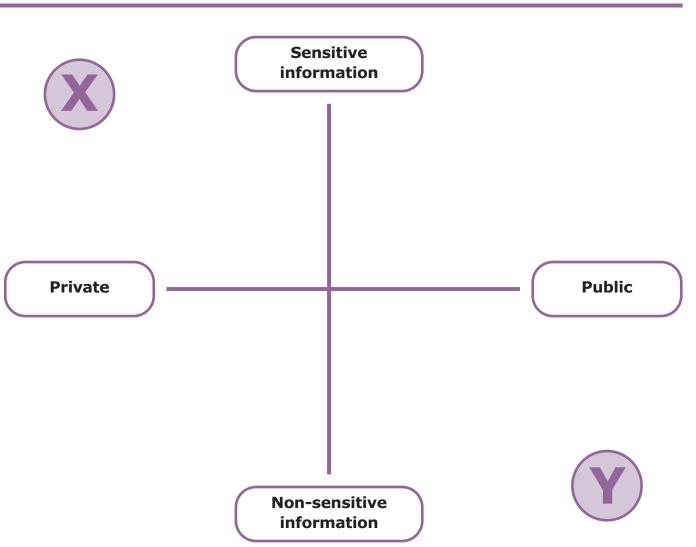
Show PowerPoint 2, slide 7. Ask students to think about what they have learned today. Ask them if they can, to sum up one point for each of the circles on the slide.

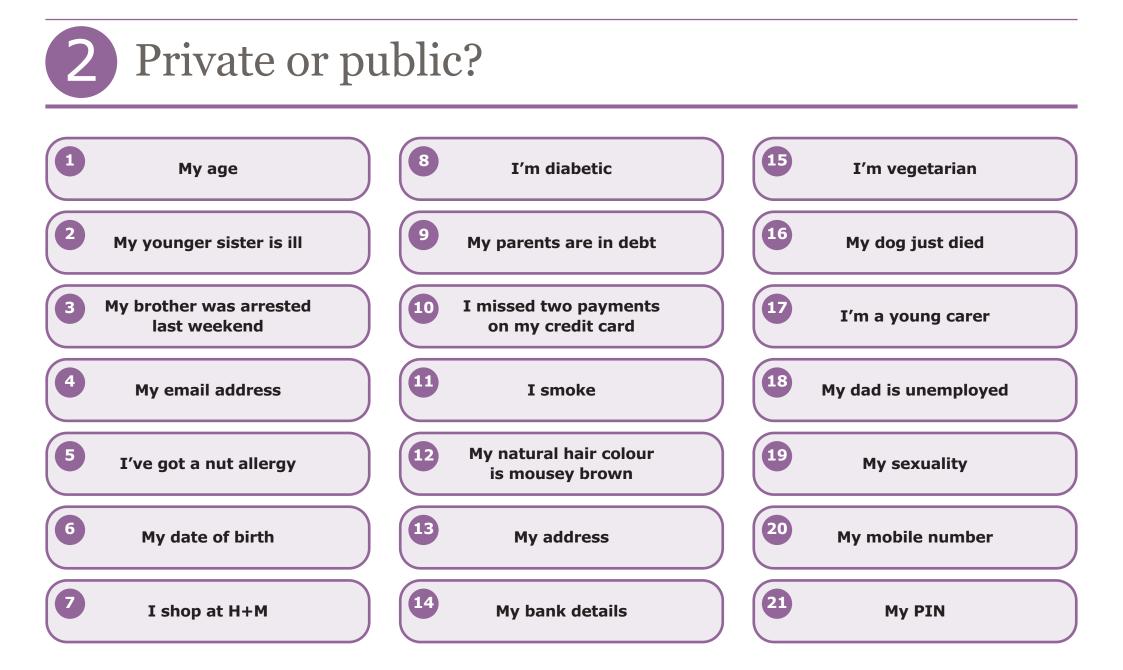




Look at the pieces of personal information. Are some more sensitive than others? Are some more private than others? Which would we be happy to have in the public domain and freely shared?

Taking each situation in turn, mark on the grid where you think it lies – for example point **X** shows a piece of personal information that is highly sensitive and should be kept private. Point **Y** shows a piece of personal information you would be happy to have in the public domain, easily accessed by lots of people.





3 Is there something I should know? Exercising our rights

Aims

- Students will work in small groups to discuss a number of scenarios based on examples from the **ICO** case load, before feeding findings back to the whole group.
- They will explore the principles that organisations should apply to holding personal data securely.
- They will discuss the implications of inaccurate data being stored and shared, and investigate how we can check that data held is accurate, relevant and not excessive.
- They will learn how to request information that is held about them (make a subject access request).

Learning objectives

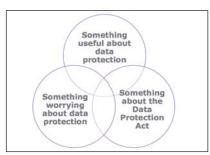
By the end of the session students will:

- understand the main principles applying to how organisations should store and make use of personal data;
- understand that they have choices over how they control their personal information;
- understand how to check that data held is accurate; and
- know how to have inaccurate data corrected.

Teachers will find helpful information for this lesson at ico.org.uk/about-the-ico/ what-we-do/

Starter activity (10 mins)

 Start by showing the final summary slide from the previous lesson, where students recorded what they had learned in terms of something worrying and something useful about data protection, as well as something they had learned about the Data Protection Act. What did they say at the time? What can they remember?



- 2. Now hold up either a bulging envelope file, or a data pen, telling students that it is your HR file and so contains all of your personal data. What sort of things would they expect to find in an HR file? Prompt if necessary with date of birth, address, phone number, qualifications, next of kin, attendance record, health details, disciplinary record, professional performance, references, complaints... a LOT of personal information. If you hand this over into the care of an employer, what responsibilities do they have with regard to looking after it?
- **3.** Remind students about the **principles of data protection** that they touched on last lesson. What can they say about how organisations should handle personal information?
- 4. Prompt if necessary with suggestions that personal data should be stored securely, be accurate, up to date, relevant, not passed on to others without adequate protection, not kept for longer than needed. (Show PowerPoint 3, slide 4 to sum up if needed.)

Main activity (40 mins)

 Students are going to look at some real-life cases taken from the work of the Information Commissioner's Office (ICO), showing what can happen when personal data isn't accurate, up to date or looked after safely. (See student handout on pages 19 and 20.) Students should work in pairs or small groups to consider each case and the questions it poses, then be ready to feed back their thoughts to the class.



Teacher note: A full copy of each case and the **ICO** response is available on pages 15 to 18. You may choose to use some, rather than all, of the stories.

- 2. Take feedback once groups have had a chance to read and discuss the cases. They may mention financial implications, possible identity theft, loss of job. Identify the issues raised by each one and feed in additional information from the teacher notes as necessary.
- 3. Can students identify one thing that all of the cases have in common? They all involve someone using their right to access the information that an organisation holds about them. This is known as making a 'subject access request'.

Plenary (10 mins)

- The cases discussed in this lesson have dealt with making subject access requests to employers, travel agents, banks and councils. Can students suggest other organisations that might get requests? Prompt if needed with suggestions such as schools, universities, GPs, hospitals, charities, clubs, mail order companies.
- Hand out copies of the sample letter on page 21 taken from the ICO website (Student handout 2, Making a subject access request – letter). See PowerPoint 3, slide 5.
- **3.** Draw attention to the **ICO** guidance on the right of the handout and the need to be clear and specific in the request.





Case one

Kate went for an interview for a new job as an admin assistant in a sales company. She was offered the job and was so excited and pleased, she started telling her friends and family straight away.

BUT, just a while later, after receiving her references, the sales company dismissed her.

Kate can't believe that this has happened. What can she do?

Teacher note: See the full details of this case on the ICO website at ico.org.uk/action-weve-taken/ case-stories/case-story-1/

This case is about:

• requesting copies of employment references.

Kate asked both the sales company and her old employer for copies. Both refused, saying they were confidential.

She complained to the **ICO** because she could not see what her old employer had written about her.

The **ICO** wrote to the company that had **received** the reference and explained that organisations are generally required to release references they have received about individuals, even if they are marked as confidential.

The sales company released the references to Kate and they also ensured that their personnel department was aware of our guidance in case they received similar requests in the future.

Kate's previous employer **provided** references in confidence so they do not have to give out copies under the Data Protection Act.

Case two

Alex Smith booked a holiday of a lifetime round-the-world trip with a local travel agent, but when his travel documents arrived in the post he had been sent all the documents for a Mr B. Smith, including a photocopy of Mr B. Smith's passport.

Alex telephoned the travel agent immediately to tell them about the mix-up. They apologised and reassured him that his documents were on their way to him.

He was therefore shocked when Mr B. Smith telephoned him to say that he had received his travel documents in the post!

Should Alex be worried? Has any harm been done? Should the travel agent be concerned?

Teacher note: See the full details of this case on the ICO website at ico.org.uk/action-weve-taken/ case-stories/case-story-6/ This case is about:

- personal information sent to the wrong address; and
- companies having a responsibility to safeguard our personal information.

Alex was rightly concerned about the whereabouts of his personal information and worried that the travel agent wasn't taking proper care with their customers' personal data.

He complained to the **ICO**.

The **ICO** contacted the travel agent about this disclosure of personal information. They put the error down to an isolated mistake by an employee and explained that the safeguards they had in place were fit for purpose.

However, when the **ICO** reviewed the travel agent's safeguards, their checking system was not fit for purpose so they had to develop an action plan, detailing the steps they would take to improve their processes to prevent such disclosures from happening again.

Both Mr A. Smith and Mr B. Smith said that the mix-up with their personal information meant that they would not use this travel agent again and that they had advised friends and family not to either.

Case three

Salema took out a joint loan agreement with her boyfriend when they borrowed money so he could buy a new van for his work as a delivery driver. When they split up, Salema's boyfriend agreed to take responsibility for paying off the rest of the loan for the van.

Months later Salema applied for a credit card, but was refused. She obtained a copy of her credit file to find out why and discovered that her bank had recorded that the loan she had taken out with her ex-boyfriend had not been paid.

Is this fair? What can she do?

Teacher note: See the full details of this case on the ICO website at ico.org.uk/action-weve-taken/ case-stories/case-story-13/ This case is about:

- retention timescales; and
- defaults recorded on a credit file.

Salema contacted the **ICO** to complain about the situation. She said that the information was inaccurate as it was her ex-boyfriend that had failed to keep up the payments and the loan was nothing to do with her. She also explained that she had been warned that a default would be filed unless the agreed payments were made.

The **ICO** explained that because she had signed up to the loan agreement and the required payments had not been made, the default would stay on her credit file for six years from the date of default. The recording was not inaccurate because she had been jointly responsible for taking out the loan and the payments had not been made as agreed. This meant that there was nothing the **ICO** could do to have the default information removed.

Case four

Mrs A wrote to her local council to raise concerns about her next-door neighbour's planning application to build an extension. She had already fallen out with her neighbour about the plans and knew that details of her objections would be published on the planning pages of the council's website. However, she was concerned when a copy of her signature was published as well.

Should she be worried?

Should the council publish people's signatures online?

Teacher note: See the full details of this case on the ICO website at ico.org.uk/action-weve-taken/ case-stories/case-story-7/ This case is about:

- publishing objections to planning applications; and
- disclosing personal information.

When she saw that her signature had been published online, Mrs A thought this might leave her open to identity theft so she contacted the council straight away. They refused to remove her signature so she complained to the **ICO**.

The **ICO** contacted the council to ask why they had published a copy of Mrs A's signature on their website.

The council responded, saying that Mrs A knew that her information, including a copy of her signature, would be put online when she raised concerns about her neighbour's plans and so they didn't think they had done anything wrong. The **ICO** wrote to the council again saying that they thought they had breached the Data Protection Act in Mrs A's case. They had to remove the copy of her signature from their website and improve their procedures.



Case five

Justine's loan application for the new sofa she wanted was unexpectedly turned down. The lender told her that this was due to information on her credit file.

She knows she hasn't got any bad debts, so she applied for a copy of her credit report herself to see what the problem was.

She noticed that her bank record was showing her as still linked to her ex-partner, and she knew he was having money problems.

What can she do?

Teacher note: See the full details of this case on the ICO website at ico.org.uk/action-weve-taken/ case-stories/case-story-5/ This case is about:

- irrelevant information about third parties on a credit file; and
- resolution by 'disassociation'.

Justine had had a financial association with her ex-partner recorded on her file, even though she no longer had a joint account or any other financial involvement with him.

She complained to the **ICO** because she was aware that her ex-partner had experienced financial difficulties and she thought that this association may be damaging her creditworthiness.

The **ICO** advised Justine to write to the bank to explain that she no longer had any financial connections with her ex-partner and to ask them to remove the financial association. They also advised her to write to the three main credit reference agencies to ask them to formally disassociate her from her ex-partner on her credit reference file. This would ensure that lenders did not take her ex-partner's creditworthiness into account when she applied for credit in the future. In this case the 'disassociation' was carried out, because Justine had good documentary evidence to show that she was no longer financially linked to her ex-partner.



Case studies

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What can she do?



Making a subject access request – letter

(Insert own address)

(Insert date)

(Insert organisation address)

To the company secretary (if contact unknown),

Re: (insert name and current address)

I am writing to make a subject access request under the Data Protection Act 1998 for any personal information you hold about me (or include specific details about the information you require here).

(Insert any information you think the organisation will need to find your information and to confirm your identity. For example, your employer may need your payroll number, and a hospital may need your NHS number; other organisations may require a document bearing your signature, for example your passport or your driving licence.)

Please inform me, prior to processing this request, if you require a fee to be paid.

I will look forward to receiving this information within 40 days. If you have any queries or questions then please contact me on *(insert phone number/email address)*.

Yours faithfully,

(Insert own name)

Top tips

- Remember to try to send your request by recorded delivery.
- Remember to keep a copy of the letter and any further letters you send or receive.
- A fee of no more than £10 may be payable, however this may increase depending on the information you have asked for, for example health records are charged at a higher fee.
- The information may be sent to you as a computer print-out, in a letter or form.
- Please contact the **ICO** if you experience difficulty in getting your information.

ico.org.uk

0303 123 1113



No secrets? Freedom of information

Aims

- Students will study scenarios taken from the **ICO** caseload.
- They will work in groups to explore real-life dilemmas around accessing public information.
- They will consider how to balance personal interest and public benefit against the financial implications.

Learning objectives

By the end of the session students will:

- understand their right to know under the Freedom of Information Act;
- understand how to make a freedom of information (FOI) request; and
- appreciate the impact some past FOI requests have had on individuals and society.

Teacher note: This lesson gives an introduction to the Freedom of Information Act or, in Scotland the Freedom of Information (Scotland) Act 2002, and focuses mainly on our rights to seek information from public bodies. There are some exemptions from the Act and some limitations as to the information organisations can be required to provide. You may find it valuable to read a summary of the legislation and how to make an information request on the **ICO** website (**ico.org.uk/for-the-public/officialinformation/**).



 Begin by recapping on the work completed last lesson. Students explored circumstances when they might want to make a **subject access request** to find out about personal data an organisation holds about us. Today's lesson looks at a different aspect of our 'right to know'.

2. Show PowerPoint 4, slide 3.



- Q. What do these people or things have in common? Allow some discussion and take suggestions.
- A. They all have been the subject of members of the public seeking facts and information.

- **3.** The **Freedom of Information Act** is a law that entitles us all as citizens to request information from public authorities. It gives us a 'right to know' how public authorities carry out their duties, how they make their decisions and how they spend public money.
- **4.** Requests made under the **Freedom of Information Act** in 2012–2013 told people who enquired that:
 - there were 900 police officers with criminal records;
 - there were 43,586,400 fake pound coins in circulation;
 - the Foreign Office spent £10,000 to carry out 'essential maintenance' on Albert, a stuffed snake; and
 - 496,000 calls to the new police non-emergency 101 number went unanswered between January and October 2012.

5. So, while the Data Protection Act gives us the right to know what information is held about us and to correct information that is wrong, the Freedom of Information Act entitles us to find out information held by public authorities such as government departments, local councils, hospitals or state schools.



Main activity

To explain the **Freedom of Information Act** show the **ICO**-produced DVD 'Tick tock' (**ico.org.uk/for-organisations/ improve-your-practices/trainingvideos/** run time 13 mins). The DVD gives an entertaining introduction to the Act, illustrating the types of information that can be requested and the need for organisations to keep information accessible and respond in a timely way.

1. The DVD touches on the fact that FOI can be time consuming and quite expensive. One estimate puts the cost to the NHS of replying to FOI requests at £30 million a year. You could ask again if FOI is a good thing. How many nurse salaries might £30 million be equivalent to? What if the information uncovered is about poor treatment, unnecessary deaths? Another estimate puts the cost to local councils at £31.7 million a year. How many services for libraries, sport or the elderly might that be equivalent to? Suggest that, since it is potentially expensive and time-consuming, an important element of FOI needs to be using it well.

- 2. Distribute the cards for Student handout 1, which describe real-life FOI requests submitted to a range of organisations. Ask students to work in pairs or small groups to look at the requests one at a time and sort them into either:
 - worthwhile useful information that the public has a right to know; or
 - waste of money information that is not useful or practical.
- **3.** Take feedback. All of these requests are genuine FOI requests.
 - Which have the students identified as uncovering useful or valuable information on behalf of the public? Why?
 - Which have they identified as wasting money? Why?

4. Use a student line-up to take feedback. Describe an imaginary line running from one side of the room to the other, where one end is 'Worthwhile' and the other is 'Waste of money'. Read one statement in turn and ask students to stand somewhere along the line according to what they think about the statement. Ask students to explain why they have chosen their place on the line.



On a show of hands, decide the following:

- Should the public have the right to ask anything they want? Yes or no? They need to give at least one reason to support their stance.
- Should public organisations have the right to refuse some requests? Yes or no? They need to give at least one reason to support their stance. What sort of information should be withheld? (National security? Financially sensitive? Embarrassing? Frivolous?)
- Ask students to indicate if they think that FOI is a good thing. Yes or no? They need to give at least one reason to support their stance.



What is the value of money or gifts given to the Metropolitan Police force by businesses?

What is the number of police officers who made no arrests in the year April 2011 to March 2012? (Northumbria)

What was the number of crimes that went unsolved? (Devon)

How many hospital beds are available? (Wales)

What is the number of schools that still contain asbestos? (Northern Ireland)

How much is owed to councils in unpaid parking fines? (Suffolk)

What plans are in place to deal with an alien invasion? (Merseyside Fire and Rescue Service)

Which school has the highest exclusion rate?



What is the cost of maintaining empty council buildings? (Worcestershire)

How many drawing pins are in the building and what percentage are currently stuck in a pin board? (Hampshire County Council) What preparations has the council made for an emergency landing of Santa's sleigh this Christmas? Who would be responsible for rescuing Santa? Who would be responsible for rounding up the reindeer, and who would have to tidy the crash site? (Cheltenham Borough Council)

What preparations has the council made for a zombie attack? (Bristol City Council and Leicester City Council)

What is the amount that NHS Wales has paid out due to medical negligence?

What is the total number of cheques issued by the council in the past year, and how many did it receive? (Scarborough Borough Council)

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