

20 March 2025

**Case reference: IC-365273-F4H2**

We are now in a position to respond to your information request of 22 February.

**Request**

You have asked us for the details of what was reported to the ICO by Newbury Academy Trust in relation to personal data breach case IC-334666-Z6M5, the reasons behind our decision not to take formal regulatory action and any action plans discussed with the organisation.

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

**Our response**

Please find enclosed the information within scope of your request to which you are entitled. This is the 'Reason for decision' information taken from the case. Please also refer to our [Regulatory Action Policy](#) and [ICO25 – Our regulatory approach](#) for further details on our approach to regulatory action.

We are withholding the information provided to us by Newbury Academy Trust under section 44 of the FOIA and further detail on this exemption is provided below.

We do not hold any action plans that were discussed with the organisation. Our personal data breach team will typically provide general advice to organisations as part of our enquiries. We have included the 'Personal data security leaflet' for the education sector that was sent to the organisation. We do not consider this to be in scope of your request but have provided it as an additional disclosure.

You can find further details on the type of information we ask from organisations when they report a breach on our [website](#).

**Section 44 FOIA**

We have withheld the information provided to us by Newbury Academy Trust under section 44 of the FOIA. This is an absolute exemption which means that it can be withheld without further consideration if other legislation prevents its

release, if it meets certain conditions, and if none of the circumstances that would give us lawful authority to release it apply.

Section 44(1)(a) of the FOIA states;

'(1) Information is exempt information if its disclosure (otherwise than under this Act) by the public authority holding it – a. is prohibited by or under any enactment'

In this case, the Data Protection Act 2018, Part 5, Section 132 prohibits the disclosure of confidential information that –

- a. has been obtained by, or provided to, the Commissioner in the course of, or for the purposes of, the discharging of the Commissioner's functions,
- b. relates to an identified or identifiable individual or business, and
- c. is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources, unless the disclosure is made with lawful authority.

We do not have lawful authority to disclose the information provided to us by Newbury Academy Trust on case IC-334666-Z6M5 as this was given to us in confidence.

Section 132(3) imposes a criminal liability on the Commissioner and his staff not to disclose information relating to an identifiable individual or business for the purposes of carrying out our regulatory functions, unless we have the lawful authority to do so or it has been made public from another source.

This concludes our response to your information 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](#) on our website.

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



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**For information about what we do with personal  
data see our [privacy notice](#)**