

From: <Paul.Sinclair@education.gsi.gov.uk>  
Date: 18 June 2013 17:26  
Subject: Department for Education response: Case Reference 2013/0032499  
To: owen.boswarva@gmail.com

Dear Owen

Thank you for your email dated 19 May 2013 about the responses received to the consultation 'Proposed amendments to Individual Pupil Information Prescribed Persons Regulations'.

Your correspondence has been allocated reference number 2013/0032499. If you need to respond to us, please visit: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), and quote your reference number.

You requested a copy of all responses received to the consultation 'Proposed amendments to Individual Pupil Information Prescribed Persons Regulations'.

*"The Department for Education has recently published the Government's response to last year's consultation on proposed amendments to Individual Pupil Information Prescribed Persons Regulations:*

<https://www.education.gov.uk/consultations/downloadableDocs/Prescribed%20Persons%20Consultation%20ResponseFinal.pdf>

*The Government response includes a summary of 95 responses received to the consultation, and a list of 85 respondents. (I gather some respondents may have submitted more than one response).*

*This is a request under the Freedom of Information Act for a copy of all responses received to the consultation. My preference is to receive this information by e-mail."*

I have dealt with your request under the Freedom of Information Act 2000 ("the Act").

The department holds the information you have requested and I have attached the information we are able to release. Some of the information in the responses has been withheld **under section 40 (2)** of the Act (Personal Information) on the grounds that release of the information would breach one of more of the principles of the Data Protection Act 1998. This exemption is 'absolute' in these circumstances, which means that it is not necessary for the Department to run a test to balance the public interest in release against that in withholding the information.

In addition 6 responses are being withheld under **section 41 (Information provided in confidence)** where respondents requested their responses

remain confidential. This exemption provides that information is exempt where it is obtained by the public authority from any other person, and where its disclosure would give rise to an actionable breach of confidence. It is our view that this information contains the quality of confidence, and that it was provided to us in circumstances where there was an explicit or implied obligation of confidence. The section 41 exemption is therefore engaged.

While the exemption at section 41 is an absolute exemption, and does not require consideration of the public interest test, its application is subject to public interest considerations which apply to the law of confidence. In making these considerations we have determined that disclosure may undermine the principle of confidentiality, by inhibiting the sharing of confidential information

If you have any queries about this letter, please contact me. Please remember to quote the reference number 2013/0032499 in any future communications.

If you are unhappy with the way your request has been handled, you should make a complaint to the Department by writing to me within two calendar months of the date of this letter. Your complaint will be considered by an independent review panel, who were not involved in the original consideration of your request.

If you are not content with the outcome of your complaint to the Department, you may then contact the Information Commissioner's Office.

Yours Sincerely,

**Paul Sinclair**

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