

From: Owen Boswarva <owen.boswarva@gmail.com>  
Date: Fri, 17 Apr 2020 at 18:50  
Subject: Re: FOI complaint [Ref. FS50897180][Ref. FS50897180]  
To: <casework@ico.org.uk>

Dear [REDACTED],

Thank you for your email.

I confirm that I would still like to progress my complaint.

I also confirm there are no matters other than those described in your email that I believe should be addressed. My complaint of 11 December 2019 contains more specific points but I think they all fall within the scope of your summary.

My complaint of 11 December 2019 sets out evidence and arguments that I consider support my own position.

The ICO is welcome to share the information I have provided so that it can look into my concern.

Please note that some of my contact details have changed since I submitted my complaint. My current contact details are below.

Yours sincerely,

Owen Boswarva

Owen Boswarva  
email: owen.boswarva@gmail.com  
telephone: [REDACTED]  
address: [REDACTED]

From: <casework@ico.org.uk>  
Date: Fri, 17 Apr 2020 at 11:17  
Subject: FOI complaint [Ref. FS50897180][Ref. FS50897180]  
To: <owen.boswarva@gmail.com>

Owen Boswarva  
owen.boswarva@gmail.com

17 April 2020

Case reference FS50897180

Dear Mr Boswarva

Freedom of Information Act 2000 (FOIA)

Your information request to Department for Education (DfE) dated 16 October 2019 about schools and trusts in the RPA scheme

Further to our correspondence of 24 December 2019 your case has now been allocated to me to investigate.

In the interim, the Coronavirus emergency has unfolded, and the Commissioner has published the following statement to advise how she will regulate at this time:

<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2020/04/how-we-will-regulate-during-coronavirus/>

DfE indicated to us previously that it had the capacity to continue to deal with FOIA complaints. However, I would need to check with DfE that that continues to be the case, as the situation may have changed – it may no longer have capacity or may need more time than usual.

What happens now

Where possible the Information Commissioner prefers complaints to be resolved informally and we ask both parties to be open to compromise. With this in mind, once you have confirmed that you would still like your complaint to be progressed, I will write to the public authority and ask it to revisit your request. It may wish to reverse or amend its position. If it does, it will contact you again directly about this.

In any event, it must provide us with its full and final arguments in support of its position. Once I receive its arguments, I will consider its reply before either contacting you to discuss the matter further or preparing a decision notice. Further information is available on the Information Commissioner's website: [https://ico.org.uk/media/report-a-concern/documents/1043094/how\\_we\\_deal\\_with\\_complaints\\_guidance\\_for\\_complainants.pdf](https://ico.org.uk/media/report-a-concern/documents/1043094/how_we_deal_with_complaints_guidance_for_complainants.pdf)

The request

On 16 October 2019 you requested information of the following description:

“Please provide a list of the academies (or academy trusts) and free schools that are members of the RPA scheme, based on the most recent date for which that information is held. Please include at minimum the name of the school and a unique identifier such as the URN or DfE Number, and ideally also the name of the local education authority (LEA).”

On 12 November 2019 DfE responded – its reference 2019-0037126. It refused your request citing section 43 of the FOIA. It considered the public interest favoured maintaining this exemption.

You requested an internal review on 13 November 2019.

DfE sent you the outcome of its internal review on 10 December 2019. It maintained its original position.

The focus of any investigation would be to consider whether DfE can rely on section 43 of the FOIA to refuse to comply with your request, and the balance of the public interest.

As above, I would first need to confirm with DfE that it has the capacity to continue to deal with this complaint, at this time.

What we need from you

Before I can take this case forward, I need more information from you. Please provide me with the following within the next seven working days, that is, by Tuesday 28 April 2020:

- You first submitted your complaint to us on 11 December 2019. Please confirm that, given the passage of time since you submitted our complaint and the possible delay in progressing your complaint you would still like to progress your complaint to us.
- Please let me know if there are matters other than those described above that you believe should be addressed. This will help avoid any unnecessary delay in investigating your complaint.
- If you have not already done so, please also make sure at this stage that you have provided us with any evidence and/or arguments that you consider support your own position.
- Should the investigation proceed, please be aware that the ICO may need to share the information you have provided so it can look into your concern. Please indicate any documents or information that you don't want the ICO to share.

Once you have confirmed that you want to progress your complaint and the scope of your complaint, I will then write to DfE. We usually give public authorities 20 working days to provide their submission to us, and so it is likely to be the beginning of June at least before I've received the submission and am in a position to progress your complaint further. However, DfE might need further team to provide a submission in the current circumstances.

If you have any queries at any time you are welcome to write to me at [casework@ico.org.uk](mailto:casework@ico.org.uk) (please ensure that you quote the above case reference in the format [Ref. FS50897180] in the subject box). I am on leave from 20 to 24 April 2020.

Yours sincerely



Lead Case Officer – Freedom of Information Casework  
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. [REDACTED] [ico.org.uk](https://ico.org.uk) [twitter.com/iconews](https://twitter.com/iconews)

If you wish to submit an information request or want to exercise any of your data protection rights, please forward your email to the Information Access Team at [accessicoinformation@ico.org.uk](mailto:accessicoinformation@ico.org.uk), or you can call our Helpline to make a verbal request relating to your personal data, on 0303 123 1113.

For information about what we do with personal data see our privacy notice at [www.ico.org.uk/privacy-notice](https://www.ico.org.uk/privacy-notice).