

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 April 2017

Public Authority: Ofsted
Address: 7th floor
Aviation House
125 Kingsway
London
WC2B 6SE

Decision (including any steps ordered)

1. The complainant has requested information gathered by Ofsted prior to the publication of its inspection report on The Oldham Academy North ("the School"). Ofsted disclosed some of the information but withheld some under section 40(2) (third party personal data) of the Freedom of Information Act 2000 (FOIA).
2. The Commissioner's decision is that section 40(2) of the FOIA can only be relied on in respect of some of the information to which it has been applied.
3. As the Commissioner has decided that some of the information is not exempt from disclosure under the FOIA, she requires OFSTED to take the following steps to ensure compliance with the legislation:

Disclose the following information to the complainant -

- The joining instructions for the inspection team (with contact details redacted)
- The curriculum pathways information 2016-2018 for Intermediate and Aspire groups

4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 26 July 2016, the complainant wrote to Ofsted and requested information in the following terms:

"Under the freedom of information act can you please disclose all information, material and evidence that was used to formulate the ofsted judgement for Oldham Academy North Broadway, Royton, Oldham, Greater Manchester OL2 5BF when it was carried out on 24–25 May 2016 (URN 136115) inspection number 10012206. This would include any interviews held with staff, parents and its sponsor E-act."

6. Ofsted responded on 19 August 2016. It stated that it held the information requested by the complainant, and disclosed some of it to him. It refused to provide some information, citing sections 21, 40(2) and 41 of the FOIA.
7. With regard to section 21 (Information accessible by other means), Ofsted explained that the outcome of the survey on Parent View could be viewed online, and provided a link.
8. With regard to section 40(2) (Personal data), Ofsted explained that it was withholding information which, in its view, concerned the personal circumstances of staff or pupils, free text comments from the Parent View website, staff and pupil questionnaires, and evidence forms ("EFs") which had been recorded as "lesson observations."
9. In addition, Ofsted stated that it considered that the free text comments on Parent View and on the staff and pupil questionnaires were also exempt under section 41 of the FOIA (Information provided in confidence).
10. The complainant asked for an internal review on 31 August 2016. He asked whether Ofsted could provide an anonymised or amalgamated version of information concerning teaching and learning and the behaviour and safety of pupils. He considered that the quality of teaching judgments, and EFs showing lesson observations and work scrutiny, could also be anonymised or amalgamated. He also

explained that in his view, comments from Parent View could be anonymised.

11. Following the internal review, Ofsted wrote to the complainant on 27 September 2016. It stated that it considered that section 40 of the FOIA applied to all of the withheld information and that therefore it had not gone on to consider section 41. With regard to anonymisation, it explained that the disclosed information represented the full extent of the information that could be anonymised in accordance with the requirements of the Data Protection Act 1998 (the "DPA"). Accordingly, it did not disclose any further information within the scope of the request.

Scope of the case

12. The complainant contacted the Commissioner on 3 October 2016 to complain about the way his request for information had been handled.
13. The Commissioner considers that the scope of the case has been to consider whether Ofsted was correct to apply section 40(2) of the FOIA to some of the requested information.

Reasons for decision

14. Section 40(2) of the FOIA specifies that the personal information of a third party must not be disclosed if to do so would contravene any of the data protection principles.
15. Personal data is defined as:

..."data which relate to a living individual who can be identified-

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about that individual and any indication of the intentions of the data controller or any other person in respect of the individual..."
16. The Commissioner considers the first data protection principle is relevant in this case. The first data protection principle states -

"Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –

- (a) at least one of the conditions in Schedule 2 is met, and
- (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met."

17. The Commissioner's considerations of fairness in this case have balanced the reasonable expectations of the data subject and the potential consequences of disclosure against the legitimate public interest in disclosing the information.
18. Taking into account her dual role as regulator of both the FOIA and the DPA, the Commissioner has considered whether Ofsted was correct to withhold some information falling within the scope of the request.

Ofsted's view: previous findings of the First-tier Tribunal

19. Ofsted explained that, in dealing with this request, it had considered the outcome of Appeal No. EA/2015/0294, *Boam v the Information Commissioner and Ofsted* ("the Boam case") and the decision of the First-tier Tribunal (Information Rights) ("FTT") in that case¹. In the Boam case, the FTT found that inspection information was not exempt from disclosure under section 31 FOIA (Law enforcement). However, in ordering its disclosure, it went on to consider whether or to what extent the information was the personal data of third parties for the purposes of section 40(2) of the FOIA and, if or in so far as it was, whether disclosure would breach the first data protection principle.

Categories of withheld information

20. Ofsted explained to the Commissioner that, guided by the Boam case, it had used its judgment either to withhold or to partially redact information by considering a number of categories considered by the FTT, numbered again here for ease of reference:
 - (i) Lead inspectors checking assistant inspectors' work;
 - (ii) Lesson observations, learning walks and work scrutiny;

¹ http://www.bailii.org/uk/cases/UKFTT/GRC/2016/2015_0294.html

- (iii) Feedback from staff to inspectors;
- (iv) Meetings with senior staff;
- (v) Meetings or discussions with pupils;
- (vi) Correspondence from parents;
- (vii) Staff vetting and pupil case studies;
- (viii) [Not relevant: specific to the school in the Boam case];
- (ix) Small cohort data, both of pupils and parents.

21. In order to determine whether to disclose, redact in part or fully withhold each item of its inspection information for the complainant in this case, Ofsted explained that it had taken note of the findings of, and guidance from, the FTT in the Boam case. The FTT findings are summarised below.

- With regard to information in category (i), the FTT found that a lead inspector's checking and corrections should be redacted if an individual inspector could be identified from them.
- With regard to category (ii), the FTT found that, if a particular lesson was identifiable, this "*almost inevitably*" constituted the teacher's personal data, and if an inspector commented on class conduct or response to a lesson, the same was true with regard to pupils' personal data.
- With regard to category (iii), this was frequently found to be the personal data of the teacher.
- With regard to category (iv), the FTT considered that a requester's legitimate interest in this category of information should be weighed up against the fairness of disclosure; for instance, if a comment was made about a head teacher's performance, it might be legitimate to disclose this as representing management of a school, whereas a comment on leadership and management in general, from which an individual could be identified, might not add anything to the overall picture of a school as presented in Ofsted's final report.
- With regard to category (v), the FTT found that information falling into this category should be considered on its own merits, depending on whether individual pupils are identifiable.
- Categories (vi) and (vii) can be considered in a similar way to category (v), depending on whether individuals are identifiable.

- With regard to category (ix), the FTT ordered the disclosure only of information which referred to the number of logged cases of specific incidents.

22. After considering the FTT's findings, Ofsted withheld or partially withheld some information. It provided this to the Commissioner for her consideration, labelled in accordance with the FTT's categories. Information was withheld or redacted under categories (ii), (iii), (iv), (v), (vi), (vii) and (ix).

Anonymisation

23. In the Boam case, the FTT also considered the issue of anonymisation, and in particular whether data can be sufficiently anonymised so that they cease to be personal data. In doing this it referred to the judgment of Cranston J. in *R (Department of Health) v Information Commissioner* [2011] EWHC 1430², who stated that, for sufficient anonymisation to have taken place, the chances of identification must be "extremely remote."
24. The FTT also referred to the ICO Code of Practice on anonymisation³ which draws attention to the fact that data common to every member of a group are the personal data of every member.
25. Ofsted explained that the FTT's view was, in their opinion, applicable to this case. It stated that the withheld data was, by definition, already the product of a process of anonymisation or redaction.

The Commissioner's view

26. The Commissioner has accepted the relevance of the case law cited by Ofsted to this case and has considered the withheld data in its light.
27. The Commissioner has also considered ICO decision notice FS50532574, which addressed a substantially similar body of information.
28. In the course of an Ofsted inspection, Ofsted inspectors largely record their findings on EFs. Consequently, these comprised the majority of withheld information considered by the Commissioner in

² <http://www.bailii.org/ew/cases/EWHC/Admin/2011/1430.html>

³ <https://ico.org.uk/media/for-organisations/documents/1061/anonymisation-code.pdf>

this case. Ofsted's practice is to consider the requested information piece by piece. Some EFs were withheld in their entirety and others were released in part.

29. In addition to EFs, other school information is also considered by Ofsted. In this case, the Commissioner has been asked to consider a small amount of withheld or partially redacted information as follows: tables of data about small cohorts of individuals; records of progress for individual children accessing support programmes; leaflets advising pupils on subject options; an internal faculty report; correspondence and records of correspondence to the School from individuals, including free text comments from the Parent View website; and one free text comment on a pupil questionnaire.

Lesson observations and work scrutiny (category (ii))

30. The majority of the withheld data are EFs or information on EFs which record lesson observations or work scrutiny. Ofsted has previously explained that these EFs record detail of individual observations of pupils at work, and provide scoring and other detail that can be perceived as an evaluation of the performance of a known teacher. This might be in lessons or, in the case of work scrutiny, pupils and teachers are similarly evaluated by an inspection of their books or other recorded schoolwork, when Ofsted will consider the work presented and the way in which it has been marked.
31. As noted in the Boam case, lesson observation EFs identify the assistant inspector, the year group, the subject, the time and date of the observed activity and references to salient events within the lesson, and usually the status of adults present.
32. Work scrutiny EFs, similarly, identify the assistant inspector, the year group and the subject of the work being considered. They often are linked to an EF covering a specific lesson and can include comments on specific work covered by the pupil, and how it has been marked.
33. The Commissioner considers that, as with the lesson observations considered by the FTT in the Boam case, the specific lessons and/or work that were observed can readily be discovered by those with access to the School's records. This would have been even more the case when the complainant's request was made, two months after the inspection. By identifying the specific class or group to which each observation or scrutiny relates, it would be possible to identify the individual teacher and the pupils concerned. She accepts therefore that there is a more than remote risk of identification of the pupils, teachers and inspectors from the withheld information, or

from the withheld information together with other information otherwise available to a member of the public, if it were disclosed.

34. The Commissioner is therefore satisfied that lesson observation EFs and work scrutiny EFs are the personal data of third parties, that is, the pupils and teachers in the lessons, and the pupils whose work was scrutinised and their teachers.
35. In accordance with the complainant's view, the Commissioner has considered whether these EFs could be further anonymised or redacted in order that they would no longer be regarded as personal data.
36. EFs are already anonymised to an extent in that individuals' names are rarely mentioned; however, as explained above, times, dates, school subject and year group are referred to.
37. The Commissioner is aware that Ofsted has taken into account the findings of the FTT in the Boam case in determining whether to redact or withhold EFs in this category, and has considered each EF separately. On some EFs, only a few comments have been redacted. Other EFs have been withheld entirely.
38. In the Boam case, the FTT found that EFs in this category could only be further anonymised sufficiently so that they would cease to become personal data by editing to an extent that would leave nothing readily comprehensible or informative. Only one EF in this category was ordered to be disclosed unredacted by the FTT.
39. The Commissioner has reviewed a sample of the withheld and redacted EFs in this category and is satisfied that, as in the Boam case, further anonymisation would leave nothing readily comprehensible or informative; furthermore it would add nothing to the overall picture of the School that has been presented in the published Ofsted report⁴ which summarises the findings recorded on these EFs.
40. The Commissioner has therefore gone on, as explained in paragraph 17 above, to consider whether disclosure of the lesson observation EFs and work scrutiny EFs would be unfair to these data subjects, in

⁴ <https://reports.ofsted.gov.uk/inspection-reports/find-inspection-report/provider/ELS/136115>

which case disclosure would be in breach of the first data protection principle, as Ofsted has alleged.

41. Addressing the personal data of pupils first, the Commissioner considers that pupils would have no expectation whatsoever that the information they supplied to inspectors during the inspection process could be disclosed into the public domain. In addition to discussing curricular and teaching related issues, pupils are often questioned on more sensitive subjects such as bullying or their personal experiences at the School. It is the Commissioner's view that pupils are in a particularly vulnerable position. They would have little or no knowledge of how the information they supply will be used and would have no comprehension whatsoever of the implications of the disclosure of their personal data. She therefore considers that any information which is regarded as the personal data of a particular pupil should be treated as confidential, private and in a respectful manner.
42. As pupils will have no expectations at all about the usage of the information they have supplied during the inspection process, the Commissioner considers that disclosure under the FOIA would be unfair. Disclosure would amount to an unwarranted intrusion into the private lives of these individuals and would cause them considerable distress and upset. This clearly outweighs any legitimate public interest in the data being disclosed. She is therefore satisfied that disclosure would be in breach of the first data protection principle outlined in the DPA.
43. Turning now to any personal data on this category of EF which would be the personal data of a teacher but not a pupil, Ofsted has explained that because it perceives these forms to be an evaluation of the performance of the known teacher, as explained previously, it considers that disclosure of this information would be unfair.
44. The Commissioner accepts that the teachers concerned would have more knowledge of how this information will be used when compared to the pupils that were observed or interviewed. The teachers at the School would have been well aware that the information collated by the inspectors during the inspection process would inform Ofsted's overall picture of the School and would contribute to the final inspection report that it publishes.
45. However, it is the Commissioner's view that the teachers concerned will have had no expectation that detailed analyses of their performance within a particular lesson or when marking a particular set of work could be released into the public domain in response to a request of this nature. The teachers would have been aware that a

final report would be published and that their performance would inform and assist the production of that final report, but they would expect the final report to focus on the School as a whole and not their individual performance.

46. The Commissioner is satisfied that the teachers would have no expectation that details of their performance in a particular lesson or their marking of a particular set of work could be disclosed to the world at large, and has gone on to consider the legitimate public interest in the disclosure of the EFs in this category.
47. Although there is always some legitimate public interest in the disclosure of information held by public authorities because disclosure promotes transparency and accountability, the Commissioner does not consider that, with regard to these EFs, the public interest outweighs the teachers' reasonable expectations, the damage and distress that would be caused by disclosure, or the unwarranted intrusion into the private lives of individuals.
48. Accordingly she accepts that disclosure of the withheld EFs, or of information redacted on the disclosed EFs, in this context would be in breach of the first data protection principle outlined in the DPA, and has concluded that section 40 of the FOIA has been correctly applied to this information.

Staff views, self-evaluation, information on individual teacher performance and information on staff vetting (categories (iii), (iv) and (vi))

49. The Commissioner has considered the small amount of data withheld under these categories together, since they concern what is potentially the personal data of individual teachers. This decision notice first addresses whether each category is the personal data of a third party, before considering fairness of disclosure.
50. Ofsted redacted some information which it considered to be the personal views and/or self-evaluation of staff members, including the head teacher, recorded in meetings and/or discussions.
51. The Commissioner agrees that the redactions comprise teachers' personal views. She agrees with the Tribunal in the Boam case that teachers' opinions of the School are plainly their personal data.
52. The Commissioner considers that identification of individuals would be likely if this data were to be disclosed. Even though the data is to some extent anonymised already in that individuals are not usually named, it is generally the case that a small category of individuals, such as "junior teaching staff" is referred to, or there is a reference to job title.

53. Ofsted withheld a small amount of internal school data on individual teacher performance, together with an internal school record of lesson observations within a particular faculty of the School, since it considered these to be personal data.
54. The Commissioner agrees that comments on, and tables of information relating to, individuals' performance are the personal data of the teachers concerned. Identification would be highly likely since teachers are often referred to by their initials, and their year group and/or classes are referred to.
55. With regard to information on staff vetting, Ofsted withheld a very small amount of information relating to staff members' backgrounds.
56. In the Commissioner's view this is the personal data of the individual staff members. There is a more than remote risk of identification since staff are referred to by role or department and in some cases their personal circumstances are referred to.
57. The Commissioner has considered the question of whether the withheld information referred to above could be further anonymised or redacted. However, in her view this would lead to the information not being readily comprehensible or informative.
58. Furthermore, a summary of teachers' views is included in the published Ofsted report, which, for example, includes the statement: *"Teachers who are new to the profession are flourishing and spoke highly of the well-planned and extensive support and development programme that the school provides."* The Commissioner is satisfied that comments on leadership and management in general (as in the Boam case), records of staff performance in individual lessons and background information on staff, do not add to or alter the overall picture as already presented in the published report.
59. Turning to the question of fairness, the Commissioner considers that disclosure of the information considered above would be unfair. Teachers have a reasonable expectation of anonymity when sharing their individual views with Ofsted. They also have a reasonable expectation that professional development, appraisals and monitoring taking place within school are not disclosed to the wider world. Similarly with regard to their personal details and background information, the Commissioner is aware that the staff would have consented to this information being held by the School, but would not have consented to, nor reasonably expected, its disclosure to the wider world.

60. In the Commissioner's view, the public interest in disclosure does not outweigh the teachers' reasonable expectations, the damage and distress that would be caused by disclosure, or the unwarranted intrusion into the private lives of individuals.
61. Accordingly she accepts that disclosure of this information would be in breach of the first data protection principle outlined in the DPA, and has concluded that section 40 of the FOIA has been correctly applied to this information.

Discussions with pupils (category (v))

62. Ofsted recorded a number of discussions with pupils of the School on EFs which, in responding to the complainant's request for information, it either partially redacted or withheld in their entirety. The Commissioner considers that the key aspect in considering this information is whether or not pupils are identifiable, in which case the information is their personal data, and, if so, whether further redaction would be possible in order to anonymise the information to such an extent that it ceased to be their personal data.
63. The Commissioner has reviewed a sample of these EFs and notes that remarks from individual pupils or groups of pupils have been noted down or paraphrased by the inspectors.
64. With regard to the EFs in this category which have been redacted in part, the Commissioner is satisfied that the redaction was necessary in order to prevent identification of individual pupils or groups of pupils such as a particular class or the school council. To order the disclosure of these redacted sections would lead to a more than remote risk of the pupils making the comments being identifiable. Taking into account the relatively small community of a school, it is not a remote risk that individuals may be identified by the complainant or others connected to the School.
65. With regard to the four EFs withheld in their entirety in this category, the Commissioner has considered whether they could rather have been redacted in part, similar to those discussed above. However, she is mindful that in the case of children's personal data there is a greater need to protect it and she is satisfied that Ofsted has acted appropriately to avoid anything less than a remote risk of identification. Furthermore, she notes that in many cases, the children's remarks are quoted from or paraphrased in the published Ofsted report.
66. In the Commissioner's view, therefore, further anonymisation of these EFs would leave nothing readily comprehensible and in any

event would add nothing to the pupils' views summarised and quoted from in the published report.

67. Since this category of EF comprises the personal data of pupils, the Commissioner has considered whether disclosure would be unfair. For the same reasons explained in paragraphs 41 and 42 of this decision notice, she considers that disclosure would be unfair and thus in breach of the first data protection principle. This is not outweighed by any legitimate public interest in disclosure. Accordingly she has determined that section 40 of the FOIA has been correctly applied to this information.

Case studies of pupils (category (vii))

68. A small number of EFs and information have been withheld in their entirety, or partly redacted, in this category.
69. The Commissioner notes that the information withheld or partially redacted as "case studies" covers a range of data, from a teacher's comments on a course of action relating to a particular pupil or small group of pupils, to a report on progress made by an individual while accessing a particular support programme, to comments on improved attendance.
70. The information, by its very nature, relates to individual pupils and concerns their personal circumstances. The Commissioner accepts that identification of these individuals by the world at large, provided names are redacted, might appear unlikely. However, as before, taking into account the relatively small community of a school, it is not a remote risk that individuals may be identified by the complainant or others connected to the School.
71. In the Commissioner's view, the information cannot be anonymised further or summarised so that anything informative would be left that is not already in the published Ofsted report.
72. With regard to the fairness of disclosure, it is clear that pupils would have no expectations that information about their personal circumstances or school record would be disclosed to the wider world. As discussed in paragraphs 41 and 42 of this decision notice, the Commissioner does not consider that there is a legitimate public interest in the withheld information falling into this category which outweighs the reasonable expectations of the data subjects, the damage and distress that would be caused by its disclosure and the unwarranted intrusion into the pupils' private lives and personal circumstances. Accordingly she has determined that section 40(2) of the FOIA has been correctly applied to this information.

Small cohort data (category (ix))

73. As with the Boam case, information which was withheld under this category comprised data for small groups of pupils, and feedback from a small number of parents. A comment made by a pupil on a pupil questionnaire which had otherwise been disclosed was also withheld.
74. With regard to the data for pupils, this primarily related to examination results. In the Commissioner's view there is a risk of identification of individuals from this data, since some school subjects are taken by a very small number of pupils; for example: Film Studies – eight pupils; Italian: one pupil. The information also contains a breakdown of 'looked-after' pupils, and pupils in receipt of Pupil Premium funding. The size of the cohort, and the inclusion of personal information, increases the risk that people within the local community could identify individual pupils and find out their examination results.
75. In the Commissioner's view therefore, this information comprises the personal data of the pupils at the School.
76. The Commissioner considers that were the information as it is presented to be further anonymised, so as to leave only a remote risk of identification, for example by the removal of column headings or subject names, the remaining information would not be informative. Furthermore, the Commissioner is aware that a more anonymised version of the data is already published in the form of the School's data dashboard, which has been disclosed to the complainant.
77. As discussed previously, the Commissioner's view is that in the case of the personal data of pupils, any legitimate public interest in its disclosure is highly unlikely to outweigh the unfairness of disclosing it since pupils have no expectations of it becoming public.
78. The Commissioner has considered the redacted pupil comment on the pupil questionnaire in a similar way. Although no name is given, identification of the pupil, while perhaps being unlikely, would be possible from the comment, which relates to his or her future career aspirations. The fact that there is a more than remote possibility of identifying the pupil from the comment itself means that it is his or her personal data. Accordingly, the Commissioner has applied the same arguments as before and considers that this has been correctly withheld.

79. The Commissioner notes that a small number of parents took the opportunity to record their views on the Parent View website in the days before the inspection took place or while it was going on. Their responses to specific questions, for example agreeing or disagreeing with statements such as "My child feels happy at this school," are publicly available on the website. However, any free text comments, where a parent made comments of his or her own, have been withheld by Ofsted.
80. Ofsted also withheld records of telephone calls from six parents who wished to express their views about the School.
81. The Commissioner has therefore had to consider whether these free text comments and records of telephone calls are personal data.
82. Free text comments and telephone calls are recorded anonymously in that they are not specifically attributed to any individual. However, the FTT in the Boam case found that this type of data was not clearly anonymised, since identification was still possible.
83. The Commissioner would agree that identification of individual parents and in some cases pupils and staff is possible from the withheld information. This is because the data frequently include references to a specific child, year group, school subject or lesson. The Commissioner's view is that this information is the personal data of the parents, and in some cases the personal data of staff and pupils.
84. Furthermore, the Commissioner considers that in expressing their views to Ofsted, the parents in question would have had a reasonable expectation that their comments would inform the overall picture of the School, but not that they as individuals would be identifiable once the report is published. Similarly, a teacher or pupil who can be identified from the comments would have no expectation that parents' comments made about them to Ofsted would be disclosed to the world at large.
85. The Commissioner accepts that, following the publication of an inspection report, there may be public curiosity in discovering individuals' views which had been expressed to Ofsted. However, any legitimate public interest would be outweighed by the individuals' expectations that comments by or about them will be treated in confidence when parents choose to speak freely to Ofsted, and by the possibility of damage or distress caused by the disclosure of their personal data. Accordingly she has determined that section 40 of the FOIA has been correctly applied to this information.

Ofsted's Joining Instructions

86. The Commissioner notes that Ofsted has withheld an EF comprising seven pages of joining instructions (labelled *DP1d*) in its entirety, and three further pages labelled *Joining instructions/timetable* which are in fact a copy of the timetable on *DP1d* with added handwritten annotations.
87. In line with ICO decision notice FS50532574, the Commissioner has considered the joining instructions and timetable and her decision is that EF *DP1d* should be disclosed to the complainant, subject to some minor redactions detailed below, for the following reasons.
88. With regard to EF *DP1d*, the Commissioner notes that Ofsted has not on this occasion put forward any specific reason for withholding its joining instructions. It had withheld them and, on providing to them to the Commissioner for consideration, simply labelled them as "joining instructions."
89. As with ICO case FS50532574, which led to the decision notice referenced above, the Commissioner considers that the first part of the document offers general guidance to the inspection team, which does not, largely, constitute the personal data of any third party and so can be disclosed. The Commissioner notes that the names of the inspectors are already in the public domain on the published report. However, any individual email addresses or other contact details should be redacted prior to disclosure.
90. With regard to the end of the document, which provides a timetable detailing how the inspection will be organised and which inspector will carry out which activity, the Commissioner considers that individual inspectors could be identified in connection with specific activities carried out by them during the inspection; for example: "Work scrutiny: Year7." This constitutes the inspectors' personal data.
91. However, it is the Commissioner's view that disclosure of the timetable on EF *DP1d* would not be unfair on the inspectors concerned. The details of the activities which each inspector is instructed to carry out pertain to their public role and position, and do not contain more personal information on the specific skills or individual knowledge or experience of a particular inspector.
92. As the Commissioner considers that disclosure of this part of *DP1d* would not be unfair, she now needs to consider condition six of Schedule Two of the DPA, which states that data may be processed if:

"The processing is necessary for the purposes of legitimate interests pursued by the data controller or by a third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of the prejudice to the rights and freedoms or legitimate interests of the data subject."

93. The Commissioner considers that there is a legitimate public interest in the disclosure of information which helps members of the public understand more clearly how the school inspection was arranged and carried out. She considers that this information only reveals the specific tasks and public functions each inspector was asked to carry out, and such information is not personal to the inspectors concerned. She therefore does not consider disclosure would prejudice the rights and freedoms of these individuals.
94. However, the Commissioner has determined that individual email addresses and other contact details on the joining instructions should be redacted. Although the names of the inspectors and head teacher are in the public domain, their contact details are not. Since these would not be part of the published Ofsted report, the individuals concerned would not have consented to their contact details being disclosed and would have a reasonable expectation that they would not be.
95. Furthermore, she considers that there is no requirement to disclose the copy of the joining timetable bearing handwritten annotations, which was also withheld by Ofsted, since this adds details of specific lessons which in her view brings the timetable into the domain of third party personal data.

Curriculum pathways – Intermediate and Aspire groups

96. This information, which was withheld, is comprised of two leaflets setting out GCSE subject options for pupils at the School who fall into the Intermediate and Aspire groups respectively.
97. The Commissioner notes that Ofsted has already disclosed the equivalent leaflet for the Academic group.
98. In the Commissioner's view, there is nothing on the leaflets which constitutes personal data.
99. Accordingly she orders that these leaflets be disclosed to the complainant.

Right of appeal

100. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

101. 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.

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

Signed

Pamela Clements
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