

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 July 2021

Public Authority: Board of Governors of Ballyclare Secondary School

Address: Doagh Road, Ballyclare
BT39 9BG

Decision (including any steps ordered)

1. The complainant has requested minutes of Board of Governors' meetings over a specified time period from Ballyclare Secondary School ("the School"). The School did not provide these within the timescale as set out in section 10(1) of the FOIA and to date some of the requested information has still not been provided.
2. The Commissioner's decision is that the School has breached sections 1 and 10 of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - To provide the complainant with a response either disclosing the outstanding requested information as specified in the Annex to this notice or stating why any relevant exemption applies which would be a basis for non-disclosure.
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 10 June 2019, the complainant wrote to the School and requested the following information:

"the minutes of the Finance Sub Committee from September 2016 to May 2019, and also the minutes of the Board of Governors from January 2018 to June 2018"
6. The complainant contacted the Commissioner to state that she had not yet received the information she had requested from the School. As of 2 April 2020, the School had not responded to her request.
7. The Commissioner contacted the School to ascertain whether it was able to respond to FOI requests and also to correspondence from the Commissioner during the pandemic. The School, having stated that it had not been aware of the complainant's request, contacted the Commissioner for clarification.
8. On 13 May 2020 the School informed the Commissioner that it had located the minutes requested but that these required redactions and that this would take time. It stated that it hoped to have the redacted minutes sent out to the complainant the following week.
9. On 26 May 2020 the School sent redacted minutes to the complainant with a receipt for her to sign saying that these had been safely delivered. The complainant contacted the Commissioner to inform her that she had received redacted copies of minutes, however these were unsigned. The Commissioner requested unredacted copies of the minutes from the School so she could ascertain what type of information had been redacted. The School sent these to the Commissioner on 24 September 2020.
10. The complainant, having been informed by the Commissioner of the general reasons for redacting the minutes, i.e. that they contained third party personal data, accepted the redactions to the information. She also stated, after cross-checking a list of the redacted minutes that she had received with the unredacted ones received by the Commissioner, that some of the redacted minutes she had received had not been sent to the Commissioner in an unredacted format.
11. The complainant had also informed the Commissioner that the minutes she had received were unsigned. As she had requested copies of the minutes, the Commissioner understands this to mean copies in their completed form, i.e. signed and dated, as per the School's Scheme of Management. The Commissioner asked the School to send her the

missing unredacted copies of the minutes (detailed in the Annex to this Notice) and also signed and dated copies of the minutes.

12. The Commissioner received signed copies of minutes from the School on 15 October 2020. The complainant, when provided with a list of what the Commissioner had received, stated that some sets of signed minutes were missing from this (detailed in the Annex to this Notice).
13. The Commissioner issued an Information Notice to the School on 28 January 2021 requesting the outstanding signed and unredacted minutes by 28 February 2021. To date, the School has not complied with this.
14. In the meantime, on 17 September 2020, the complainant made a further request for information to the School, in the following terms:-

"I would like to have all Board of Governors' minutes and Sub-Committee minutes from 1 June 2019 to 16 September 2020."
15. The complainant received an acknowledgement letter on 29 September 2020 from the School confirming that it had received her request, however it was currently experiencing delays in responses due to the current pandemic. A timescale was not specified, although the School did indicate that it could potentially provide a response after the October half-term break.
16. As the complainant still had not received a response to her request of 17 September 2020 the Commissioner issued a non-response letter to the School on 30 November 2020, requiring the School to provide a response by 14 December 2020.
17. The School responded on 22 December 2020 and provided the complainant with a bundle of minutes. The complainant informed the Commissioner and also the School that several sets of minutes were missing from the bundle provided to her, which are detailed in the Annex to this notice.
18. The complainant also stated that there had been several redactions made to the minutes, which she was querying with the School and had detailed these along with the fact that some information was missing, in a letter to the School dated 5 January 2021, which she asked the School to consider as a request for internal review. In that letter she also requested a copy of the School's Freedom of Information Policy. The School acknowledged that letter on 11 January 2021 and stated that the Board of Governors was considering the complainant's concerns.

19. On 6 February 2021 the School responded to the complainant, sending her another bundle containing some of the outstanding minutes. The complainant raised concerns about these with the School in a letter of 9 February 2021. The School responded on 12 February providing a copy of the Education Authority's guide to responding to FOIA requests and stating that it would provide a full response to the complainant's concerns after the February half-term break.
20. The School provided a further response to the complainant on 14 April 2021, stating that the outstanding information she had requested was ready and asking that she collect this from the School as it was voluminous.
21. The complainant informed the Commissioner and the School that some information was still outstanding, which is detailed in the Annex to this notice.

Scope of the case

22. The complainant contacted the Commissioner on 11 March 2020 to complain about the way her initial request for information had been handled. She further complained about the way in which the School had handled her request of 17 September 2020.
23. The Commissioner has considered the School's handling of the complainant's requests.

Reasons for decision

24. Section 1(1) of the FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

25. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.
26. From the evidence provided to the Commissioner in this case, it is clear that the School did not deal with the requests for information in accordance with the FOIA. The Commissioner finds that the School has breached section 10(1) by failing to respond to the requests within 20 working days. The School has also breached section 1 of the FOIA as it still has not provided some of the requested information to the complainant.

Right of appeal

27. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

28. 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.
29. 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

Deirdre Collins
Senior Case Officer
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Wycliffe House
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Cheshire
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