

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 November 2022

Public Authority: Department for Education
Address: Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Decision (including any steps ordered)

1. The complainant made a request for the Teaching Regulation Agency ("TRA") complaints policy.
2. The TRA is an executive agency of the Department for Education ("DfE"). For the purposes of this notice the DfE will be referenced as the Public Authority.
3. The DfE explained that as the TRA is an executive agency of the DfE it follows the same complaints procedure as the DfE. It said that as this information was already publicly accessible it was exempt from disclosure under FOIA due to the exemption at section 21 (information reasonably accessible to the applicant). It did however provide a link to where the complaints policy could be accessed.
2. The Commissioner considers that the DfE correctly applied section 21 FOIA in this case.
3. The Commissioner requires no steps to be taken.

Request and response

4. The complainant made the following information request on 22 June 2022:

“Please provide me with a copy of your complaints policy.”

5. On 2 August 2022 the DfE responded. It explained that TRA was an executive agency of the DfE and therefore follows the same complaints procedure as the DfE. It said that as this information was already publicly accessible it was exempt from disclosure under FOIA due to the exemption at section 21 (information reasonably accessible to the applicant). It did however provide a link to where the complaints policy could be accessed.
6. The complainant requested an internal review as he did not consider he had been provided with a link to the TRA’s complaints policy. The DfE provided the result of the internal review on 23 August 2022. It upheld its response.

Scope of the case

7. The complainant contacted the Commissioner on 27 July 2022 to complain about the way their request for information had been handled. The Commissioner accepted the case as eligible for investigation on 26 August 2022.
8. The Commissioner considered the scope of his investigation to be to determine if the DfE was correct to refuse to disclose the requested information under section 21 FOIA.

Reasons for decision

Section 21 – information accessible to applicant by other means

9. Section 21 of the FOIA provides that Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
10. In this case the DfE has explained that as the TRA is an executive agency of the DfE it follows the DfE’s complaints policy. It provided the complainant with a link to where the complaints policy is published.
11. As this information is already reasonably accessible to the applicant and the DfE has directed the complainant to where this information can be located, the Commissioner considers that section 21 FOIA was correctly applied in this case.

Right of appeal

12. 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@Justice.gov.uk

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

13. 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.
14. 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.....

Gemma Garvey
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF