

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 March 2023

Public Authority: The Grange Trust
Address: Bramley Grange Primary School
Howard Road
Bramley
Rotherham
S66 2SY

Decision (including any steps ordered)

1. The complainant submitted a request to The Grange Trust ("the Trust") for information relating to the IT systems used, the processing locations and data storage.
2. The Commissioner's decision is that the Trust did not comply with sections 1(1) and 10(1) of FOIA.
3. As the Trust has now disclosed all the outstanding information in response to the complainant's request, the Commissioner does not require the Trust to take any further steps as a result of this decision notice.

Request and response

4. On 27 May 2022, the complainant made the following request for information under FOIA:

"Under the Freedom of information Act I would like to have a full list of IT systems you use, the companies involved and where their data storage and processing locations are. From these systems I want to know where my data, my childrens data and their retention period, what its used for and who has access to it. This includes all backups. I would like to see all tender documentation for these systems or business case (for items not tendered for) for purchasing them and their costs. As this is public information and public money contract values must be disclosed. This information should reach me no later than the 24th June 2022."

5. A response was provided on 24 June 2022 in which the Trust provided the complainant with some information on the IT systems used, system costs and data storage.
6. On 24 June 2022, the complainant sought an internal review of the Trust's decision. After intervention by the Commissioner, the Trust provided its internal review response on 9 October 2022.
7. On 2 November 2022, the complainant informed the Commissioner that information was still outstanding and that the Trust had failed to provide all the information within scope of the request.
8. Following correspondence from the Commissioner, detailing the outstanding information, the Trust provided the complainant with the requested information on 16 January and 10 March 2023.

Scope of the case

9. The complainant contacted the Commissioner on 4 July 2022 to complain about the way their request for information had been handled.
10. The Commissioner has considered the Trust's handling of the complainant's request.

Reasons for decision

Procedural requirements

Section 1-General right of access

11. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
12. In its initial response, of 24 June 2022, the Trust did not disclose all the information held by it which was within scope of the complainant's request. It subsequently took until 10 March 2023 to provide all the information requested.
13. The Commissioner is aware that the complainant states that they have not been provided with all the information requested, namely who has access to their child's data, but having looked at all of the responses provided, the Commissioner is of the view that this information has been provided in the Trust's responses of 24 June 2022 and 10 March 2023.
14. The Commissioner is therefore satisfied that, on the balance of probabilities, no further recorded information within scope of the request is held by the Trust.

Section 10-time for response

15. Section 10(1) of FOIA states that a public authority must respond to a request promptly and in any event no later than the twentieth working day following the date of receipt.
16. In this case the complainant submitted their request on 27 May 2022 and did not receive all information held by the Trust, within scope of the request, until 10 March 2023.
17. In light of the above, the Commissioner finds that the Trust did not comply with section 1(1) and 10(1) of FOIA.

Other matters

Section 45 – Internal review

18. There is no obligation under FOIA for a public authority to provide an internal review process. However, it is good practice to do so and, where an authority chooses to offer one, the section 45 Code of Practice sets out, in general terms, the procedure that should be followed. The code states that reviews should be conducted promptly and within reasonable timescales. The Commissioner has interpreted this to mean that internal reviews should take no longer than 20 working days in most cases, or 40 in exceptional circumstances.
19. In this case the complainant requested an internal review on 24 June 2022 and the Trust, after intervention by the Commissioner, provided the outcome of its review on 9 October 2022. Even taking into account the school holidays, a period of 60 working school days had passed before an internal review response was provided. The Commissioner reminds the Trust of the Code of Practice and urges it to respond in a timely manner.

Right of appeal

20. 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

21. 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.
22. 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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF