

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 28 February 2020

**Public Authority:** Governing Body of Langley Grammar School  
**Address:** Reddington Drive  
Langley  
Berkshire, SL3 7QS

#### Decision (including any steps ordered)

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1. The complainant has requested information relating to UCAS grade predictions.
2. The Commissioner's decision is that Langley Grammar School (the School) has incorrectly cited section 14(2) of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Issue a fresh response without reliance on section 14(2).
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

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5. On 23 September 2019, the complainant wrote to the School and requested information in the following terms:

*"I am writing to you with regard LGS UCAS prediction 2019 information in a format suitable for our purpose by subjects. We will like to see the provisional prediction done earlier around May 2019 and the prediction as final released in September 2019 against each student.*

*I understand the limitation under GDPR rules however for the statistical purposes only and therefore we will not be expecting personal information held in your file.*

*If you are in a position to supply this information as formatted in the attached I tabular format it will be greatly appreciated.*

6. The School responded on 4 November 2019 and provided a spreadsheet. The applicant responded the same day stating:

*"Thank you for getting back to me on my email dated 23/9/2019 re Freedom of Information act.*

*Please note that I have requested information on all subjects for the school in the AL UCAS prediction.*

*I would categorically look for subjects like Chemistry, Biology, Maths and Psychology which my daughter did for her mock exams.*

*I also requested information on the tutor group id for each student. please see my original email , attached for your quick ref.*

*These [sic] information are very important to establish certain information as to the process of LGS UCAS prediction.*

*I have information that at least one student was given an A from their preliminary grade C for the UCAS revised assessment for Chemistry.*

*I am unable to see this fact in your data. Could you please reconfirm the accuracy of this data to me? Out of 89 Chemistry students LGS has reviewed UCAS final prediction for 19 (22%). I will like to group this to the tutor group.*

*Please can you now provide the COMPLETE information for all the AL subjects LGS has provided UCAS prediction for this year as per my original Information request?"*

7. On 7 November 2019 the School provided a further response. It stated:

*"In your original request you did not actually specify the subjects for which you wished to have data. [Redacted] subsequently stated in one of the numerous emails we received that you wanted the information for Chemistry. This was the assumption under which the information has been supplied to you.*

*The data you have been given has been anonymised and also randomised to prevent any particular student being identified through it. We have been advised to present the whole cohort information in this way and not to break it down by teaching or tutor group as this could*

*potentially allow individual students to be identified. We are therefore unable to do respond to your request to do this.*

*You have queried the accuracy of the data. I can confirm that the data you have been supplied with is that held on our database and therefore is the data which has been given to the students concerned.*

*In your email you have requested similar information for three other named subjects – Biology, Maths and Psychology.*

*In line with the advice we have received, we have provided information for these subjects as a goodwill gesture on the assumption that your email is clarifying your original request rather than making a new one. The data is supplied in the same anonymised and randomised format as the Chemistry data previously provided to you.*

*You should note that any further requests for information on the same theme will be refused under section 14(2) of the Freedom of Information Act on the grounds of constituting a repeat request.*

8. On 25 November the School wrote to the applicant providing its final response. It reiterated its previous response and referred to a meeting on 24 November 2019 in which the applicant confirmed that he wished to compare his daughter's Chemistry predicted grade to the rest of the cohort.

9. It went on to state:

*"The preliminary and final UCAS predicted grades for Chemistry were sent to you on 4 November 2019. In line with external advice received by the school, the grades were not broken down by teaching group to prevent possible identification of individual students' information. The school acknowledges that this information was sent to you 24 school days after your original request, which is outside the 20 day period specified by the Freedom of Information Act.*

*On the 4 November you responded stating that your original request had asked for all subjects. As quoted above, your original request asked for 'subjects' not 'all subjects'. However, you further stated that you '...would categorically look for subjects like Chemistry, Biology, Maths and Psychology which my daughter did for her mock exams.'*

*Acting on external advice, we regarded this as further clarification of your request to be for those subjects listed, which were of direct relevance to your daughter. Information about predicted grades in Biology, Maths and Psychology was therefore sent to you as a gesture of goodwill on 7 November.*

*Your subsequent request for more information about predicted grades in other subjects has no direct relevance to your daughter and we have been advised that constitutes a repeated request.*

*The school's response was given to you in an email on 7 November, and again on 21 November.*

*This letter is intended to provide a further formal notification that your request is refused in line with the provisions of section 14(2) of the Freedom of Information Act."*

10. The school advised it does not have any internal review procedure and referred the applicant to the Commissioner.

### **Scope of the case**

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11. The complainant contacted the Commissioner on 6 January 2020 to complain about the way his request for information had been handled.
12. The Commissioner considers the scope of this case to be to determine if the school has correctly cited section 14(2) in response to the request.

### **Reasons for decision**

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#### Section 14(2) – Repeat requests

13. Section 14(2) of the Act states that:

*"Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request for that person unless a reasonable interval has elapsed between compliance with a previous request and the making of the current request".*

14. Requests can be refused on the basis of section 14(2) if:
  - It is made by the same person as a previous request;
  - It is identical or substantially similar to the previous request; and
  - No reasonable interval has elapsed since the previous request.
15. Before considering these aspects it should be noted here that the key words are "*previously complied with a request for information*". The term 'previously complied' means complied with section 1 of the FOIA.

16. Section 1 states:

*(1) 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.*

17. Although the school considers this is a repeat request, the school has responded to two previous requests, one relating to the Chemistry scores and one relating to Biology, Maths and Psychology scores.

18. This request is for the same information relating to 'all subjects' which has not been provided. Therefore the school cannot have complied. Consequently it has not been necessary for the Commissioner to consider the aspects referred to above.

## **Other matters**

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19. The applicant has also raised concerns that the school breached section 16 and section 10 of the FOIA.

20. Section 10 of the FOIA states that a public authority should respond within 20 working days of receiving a request. The school has acknowledged that it responded outside of this timescale and therefore is in breach of section 10.

21. Section 16 of the FOIA states:

*(1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.*

22. It is unclear what advice and assistance the applicant would expect. Having reviewed the correspondence provided it is the Commissioner's view that the school could not provide any advice or assistance in this case.

## Right of appeal

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23. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

24. 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.
25. 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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**