

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 8 March 2023

**Public Authority:** Central Schools Trust  
**Address:** Balsall Common Primary Academy  
Balsall Street East  
Balsall Common  
CV7 7FS

### **Decision (including any steps ordered)**

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1. The complainant requested information from Central Schools Trust ('the public authority'). The Commissioner's decision is that the public authority is entitled to rely on section 21 and section 40(2) of FOIA to withhold the requested information.
2. The Commissioner does not require the public authority to take any steps.

### **Request and response**

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3. On 21 May 2022, the complainant requested the following information from the public authority:
  - [1] the salaries of everyone employed by the organisation
  - [2] their job expenses
  - [3] their pensions
  - [4] financial support that every member of staff receives from the organisation
  - [5] what bonuses are given and to whom

- [6] how the staff are paid each month
  - [7] how the money given to the trust by the local authority is managed
  - [8] how much the SEND team are paid
  - [9] how those payments are generated, including bonuses and payments that come from children who are supported by the local authority
4. The public authority responded on 25 May 2022 and refused to provide all of the requested information citing section 40(2) (personal information) of FOIA as its basis for doing so.
  5. On 20 June 2022 the public authority provided the outcome of its internal review by post, in which it maintained its original position.
  6. During the course of the Commissioner's investigation the public authority changed its position in relation to part 7 of the request. It confirmed that this information was published on its website and was therefore exempt under section 21 (information accessible to applicant by other means) of FOIA. The public authority provided a revised response to this effect on 2 March 2023.

## **Reasons for decision**

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### **Section 21 – information accessible to the applicant by other means**

7. This reasoning covers whether the public authority was correct to apply section 21 of FOIA to part 7 of the request.<sup>1</sup>
8. Information is exempt from disclosure under section 21 of FOIA if it is already reasonably accessible to the requester.
9. The public authority provided the complainant with a link to the relevant part of its website where it publishes information concerning the management of its finances. The Commissioner considers that this information is relevant to part 7 of the request and is reasonably accessible to the complainant.

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2000/36/section/21>

10. The Commissioner is therefore satisfied that the public authority was entitled to rely on section 21 of FOIA for this part of the request.

#### **Section 40 - personal information**

11. This reasoning covers whether the public authority was correct to apply section 40(2) of FOIA to the request (excluding the information requested at part 7 of the request).<sup>2</sup>
12. Section 40(2) says that information is exempt information if it is the personal data of another individual and disclosure would contravene one of the data protection principles. The two main elements of personal data are that the information must relate to a living person and that the person must be identifiable.
13. Information will relate to a person if it is about them, linked to them, has biographical significance for them, is used to inform decisions affecting them or has them as its main focus.
14. In this case, the Commissioner is satisfied that the withheld information is personal data. This is because the request sought various information regarding pay and pensions for every member of staff employed by the public authority. This information clearly relates to living individuals and the Commissioner considers they will be identifiable from it.
15. In the case of a FOIA request, the personal data is processed when it is disclosed in response to the request. This means that the information can only be disclosed if to do so would be lawful, fair and transparent.
16. When considering whether the disclosure of personal information would be lawful, the Commissioner must consider whether there is a legitimate interest in disclosing the information, whether disclosure of the information is necessary and whether these interests override the rights and freedoms of the individuals whose personal information it is.
17. The Commissioner considers that there is a broad legitimate interest in public authorities being transparent and accountable with regard to the spending of public money. He is satisfied that disclosure of the requested information is necessary to meet that legitimate interest.

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<sup>2</sup> <https://www.legislation.gov.uk/ukpga/2000/36/section/40>

18. It is necessary to balance the legitimate interests in disclosure against the fundamental rights and freedoms of the data subjects. In doing so, it is necessary to consider the impact of disclosure.
19. In the Commissioner's view, a key issue when considering the balancing test is whether the individuals concerned have a reasonable expectation that their information will not be disclosed. It is also important to consider whether disclosure would be likely to result in unwarranted damage or distress to the individuals, taking into account whether or not they have consented to its disclosure.
20. Disclosure under FOIA is disclosure to the world at large and not just the requester. It is the equivalent of the public authority publishing the information on its website.
21. In this case the Commissioner considers that the individuals concerned would have a strong and reasonable expectation that information concerning their pay and pensions would not be disclosed under FOIA to the world at large. Such a disclosure would be likely to cause distress to the individuals.
22. Based on the above factors, the Commissioner has determined that the fundamental rights and freedoms of the individuals outweigh the legitimate interest identified above. The Commissioner therefore considers that disclosing the requested information would be unlawful as it would contravene a data protection principle; that set out under Article 5(1)(a) of the UK General Data Protection Regulation. The public authority was therefore correct to apply section 40(2) of FOIA to this request.

**Right of appeal**

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: 0203 936 8963

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 .....**

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