

19 November 2019

Our ref: 5782568

Thank you for your request received on 11 November 2019, for the following information:

**I am writing to you under the Freedom of Information Act 2000 to request the following information:**

**A list of permanent exclusions from your area's schools in the 2014/15, 2015/16, 2016/17, 2017/2018, 2018/19 academic years, organised by the name of the school and date, including the reason for each of these exclusions.**

**(Please also include the age and academic year (Reception to Year 13).**

We have processed this request under the Freedom of Information Act 2000.

## **Response**

***I am writing to you under the Freedom of Information Act 2000 to request the following information:***

***A list of permanent exclusions from your area's schools in the 2014/15, 2015/16, 2016/17, 2017/2018, 2018/19 academic years, organised by the name of the school and date, including the reason for each of these exclusions.***

***(Please also include the age and academic year (Reception to Year 13).***

Information regarding reasons for exclusion is available online via the link below:

<https://www.gov.uk/government/collections/statistics-exclusions>

Please see table below.

Please note we have not included name of school, date of exclusion or age as this could lead to pupils being identified. We consider this personal data under Section 40 of the FOIA.

## Permanent Exclusions by Year Group

	2014/15	2015/16	2016/17	2017/18	2018/2019
Year 1	0	0	0	0	*
Year 7	*	6	*	*	*
Year 8	12	*	7	*	6
Year 9	12	8	8	10	16
Year 10	16	12	13	13	8
Year 11	8	6	13	*	*
Year 12	0	0	0	*	0

\* less than five.

Please note that we have omitted the data where the values are 5 or less as this could reveal the identities of the children. We consider that this information is exempt under section 40 of FOIA. Please see the refusal notice below.

### Refusal Notice

Section 40 FOIA sets out an exemption from the right to know if the information requested is personal information protected by the Data Protection Act 1998 (DPA).

The DPA which governs the processing of personal data and defines personal data “as any data which relate to a living individual who can be identified from those data, or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller.”

Section 40 (2) FOIA exempts disclosure of information if such disclosure would contravene one of the data protection principles. This exemption is absolute and is not subject to the public interest test.

The first of the data protection principles requires that personal data is processed fairly and lawfully. It is our view that to disclose the withheld information would breach this principle, in particular, the requirement of fairness because the children have a reasonable expectation of privacy and do not expect that their personal information would be released in a response to a freedom of information request.

***If you believe any of these breach Section 40, I remind you that you can redact the names of individuals involved.***

***Please provide the information in the form of a csv file.***

***If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under the Section 16 obligations of the Act, as to how I can refine my request.***

***If you can identify any ways that my request could be refined I would be grateful for any further advice and assistance.***

***If you have any queries please don't hesitate to contact me via email or phone and I will be very happy to clarify what I am asking for and discuss the request, my details are outlined below.***

***Thank you for your time and I look forward to your response.***

### **Further information**

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

### **Advice and Assistance : Direct Marketing**

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link [www.ico.org.uk](http://www.ico.org.uk)

**For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.**

### **Your rights**

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk). Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website [www.ico.org.uk](http://www.ico.org.uk)). There is no charge for making an appeal.