

From: Edinburgh College Freedom of Information

Sent: 30 January 2018 16:15

To: [REDACTED]

Subject: RE: Internal review of Freedom of Information request - Safeguarding

Dear [REDACTED]

(Our Ref: 075/16/17)

An internal review has been undertaken on the response provided to your FOI request.

The review has undertaken a full search for the figures relating to 2015-16 and 2016-17 and has found that this information is also exempt under Section 38 of the FOI(S) Act 2002 as individuals could be identified by this information alongside other information that could be available, and this would therefore risk disclosure of individuals' personal data.

The college has not disclosed this information due to the low numbers involved. Individuals could therefore be identified by this information alongside other information that could be available.

Reasons for disclosing this information under the public interest test may be for the prevention, detection, investigation and punishment of serious crime and the prevention of abuse or serious harm. Where the students concerned are under supervision through MAPPA, a risk assessment is carried out for any student who had been identified as on the sex offenders register and was considering enrolling on a course. Please note, college staff work closely with MAPPA to conduct the risk assessment. For further details, please see our response to your separate FOI request, Our Ref: **078/16/17**, which was sent on 24 January 2018.

If a student is listed on the Sex Offenders Register, this information is stored on a protected shared drive with very limited access and is not linked to a student's record. Information is shared on a strictly need-to-know basis and is shared with Police Scotland through MAPPA.

The college does not have a current policy on records retention but is reviewing this in line with our policy review schedule.

Any conditions applied as part of sentencing are managed via the police and social work. ***The college is not considered a responsible authority under 2.2 of Section 10(7) of the Multi-Agency Public Protection Arrangements (MAPPA) National Guidance 2016 of the 2005 Act.*** The College can however, request conditions through its risk assessment process such as the provision of 1:1 supervision of students from social work whilst they are in college.

Risk assessments are reviewed by the college at appropriate intervals to ensure it is still appropriate for the students to remain on the course.

As per the MAPPA National Guidance (2016), the Responsible Authority is the primary agency for MAPPA and the police are responsible for managing MAPPA offenders in Category 1 (registered sexual offenders): <http://www.gov.scot/Publications/2016/03/6905>

If you are still dissatisfied, you may ask the Scottish Information Commissioner to intervene.

The Commissioner's online appeal service is available from their website:
www.itspublicknowledge.info/Appeal

The online appeal service is available 24/7 and offers you real time help and advice about your appeal.

You must appeal to the Commissioner within six months of receiving the review decision.

You also have the right to appeal to the Court of Session on a point of law following a decision of the Commissioner.

Please note, anyone using a false name/identity to submit an FOI request will forfeit their right to future action being taken by the Scottish ICO.

Kind regards

FOI Team

-----Original Message-----

From: [REDACTED]

Sent: 21 December 2017 20:01

To: Edinburgh College Freedom of Information <FOI@edinburghcollege.ac.uk>

Subject: Internal review of Freedom of Information request - Safeguarding

Dear Edinburgh College,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Edinburgh College's handling of my FOI request 'Safeguarding', due to the lack of clarity as to why exemptions are applied, and also to inappropriate application of exemptions.

The figures relating to 2015-16 and 2016-17 are exempt under Section 17 of FOISA as the college does not hold this information.

Please clarify why you don't hold this information. Is it due to short retention periods, or because you don't actually apply MAPPAs, or any other plans for students registered on the Sex Offenders Register?

The figures relating to 2017-18 (to date) are exempt under Section 38 of the FOI(S) Act 2002 as individuals could be identified by this information alongside other information that could be available, and this would therefore risk disclosure of individuals' personal data.

This is an inappropriate use of S38. Due to the large number of students enrolled at your college, the risk of identification from such statistical information is virtually nil. Please also apply the public interest test, as a matter of good practice, and share your reasoning.

075/16/17 (2): How many of these students were subject to a MAPPA plan or similar conditions?

This information is exempt under Section 38 of the FOI(S) Act 2002 as individuals could be identified by this information alongside other information that could be available, and this would therefore risk disclosure of individuals' personal data.

This is an inappropriate use of S38. Due to the large number of students enrolled at your college, the risk of identification from such statistical information is virtually nil. Please also apply the public interest test, as a matter of good practice, and share your reasoning.

075/16/17 (3): How many of these students failed to adhere to the conditions applied?

This information is exempt under Section 38 of the FOI(S) Act 2002 as individuals could be identified by this information alongside other information that could be available, and this would therefore risk disclosure of individuals' personal data.

This is an inappropriate use of S38. Due to the large number of students enrolled at your college, the risk of identification from such statistical information is virtually nil. Please also apply the public interest test, as a matter of good practice, and share your reasoning.

075/16/17 (4): How many of these students attained the qualification they were seeking?

This information is exempt under Section 38 of the FOI(S) Act 2002 as individuals could be identified by this information alongside other information that could be available, and this would therefore risk disclosure of individuals' personal data.

This is an inappropriate use of S38. Due to the large number of students enrolled at your college, the risk of identification from such statistical information is virtually nil. Please also apply the public interest test, as a matter of good practice, and share your reasoning.

I look forward to hearing the outcome of your review in the usual timescales.

A full history of my FOI request and all correspondence is available on the Internet at this address:
https://www.whatdotheyknow.com/request/safeguarding_170

Yours faithfully,



