



Our ref: 68789270
16 October 2024



Freedom of Information Act 2000



This request is being handled under the Freedom of Information Act 2000.

Request
Good afternoon,

I require a list of students from Nishkam High School who are open to Birmingham Children's Services please. We are aware of two who have recently closed but we are not sure if there is more who are currently open.

Response

Thank you for the Freedom of Information Request you have made. I can confirm that Birmingham Children's Trust holds the information you requested. However, we are withholding that information since we consider that the exemptions detailed below apply to it.

We have withheld the information as it constitutes personal data under the Data Protection Act 2018. As this is personal data, disclosure under the Freedom of Information Act 2000 (the Act) is conditional upon satisfying the First Data Protection Principle, that processing be fair, lawful and transparent.

We recognise that there is a public interest in transparency and accountability in public decision making. We have balanced this against the privacy rights of the individual data subjects and the fact that this act of processing would not be transparent to them. On balance, we consider the detriment to privacy through disclosure outweighs the interest that would be served. Accordingly, disclosure would be in contravention of the First Data Protection Principle.

It is therefore appropriate for us to withhold this information under section 40(2) of the Act by virtue of section 40(3A)(a). Therefore, we are exempting this part of the request under section 40(2) of the Act by virtue of section 40(3A)(a) of the same Act.

Notwithstanding the application of this exemption, we would not be able to disclose this information under the Act as the cost of collating the information

exceeds the appropriate limit. The information you have requested is not held in a readily accessible format. I can confirm that the Trust has kept a manual record (i.e. outside of case management systems).

From undertaking a sampling exercise in respect to similar FOI requests in the past, we estimate that it takes approximately 5 minutes to locate the file and locate specific information contained in the file, dependent on the size and complexity of the file.

The [Freedom of Information Act 2000](#) (the Act) requires us to comply with a request, unless it would be too expensive to do so. Under s.12 (Cost of compliance exceeds appropriate limit) of the Act, the cost limit for the Trust is £450 i.e. 18 hours at the rate of £25 per person per hour.

The cost limit allows us to consider when estimating the cost of complying with a request, time spent determining whether we hold the information requested; identifying, locating and retrieving it and extracting the information from the relevant documents.

There are 3656 children aged 11-17 whose files we would have to review manually in order to answer this question. We estimate that each one would take 5 minutes to review which would take 304 hours. We are therefore unable to process your request as to do so would exceed the cost limit as set out in s.12 of the Act.

In cases where the time involved in dealing with requests for information would exceed 18 hours, the Trust normally offers individuals the option to pay for the additional work over and above 18 hours, at a subsidised rate of £25 per hour. However, where the resources involved in dealing with a request would have detrimental impact on the Trust's ability to provide its core services, the Trust is entitled not provide this option, and accordingly, refuse the request outright.

In this case due to the amount of work and resources required to comply with this element of your request, the Trust is of the view that the resources involved in responding to your request, even if you were to pay the subsidised statutory rate of £25.00 per hour, would interfere significantly with the Trust's ability to provide its core services, as such, the Trust considers that it is appropriate to refuse the request outright on the basis of Section 12 of the Act.

As part of our duty to provide advice and assistance under s16 of the Act in terms of FOI requests, we suggest emailing Birmingham Virtual Schools with a business as usual request. Their email is birminghamvirtualschool@birmingham.gov.uk

Please quote the reference number **68789270** in any future communications.

If you are dissatisfied with our response to your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days from the date this authority issued its initial response. Please outline which part of the response you are not happy with setting out your reasons. This request should be addressed to:

Corporate Information Governance Team
PO Box 16366
Birmingham
B2 2YY
Email: infogovernance@birmingham.gov.uk

If you are still dissatisfied with the Birmingham Children's Trust's response after the internal review you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office

Website: www.ico.org.uk

I will now close your request as of this date.

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Disclosure Officer

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