

1) How many staff members make up your elective home education team?

2.6 Full time equivalent.

1) How many staff members from your Elective Home Education team are members of the Association of Elective Home Education Professionals (AEHEP)?

The Freedom of Information Act 2000 (FoIA) states that any information to which a request for information relates is exempt information if it constitutes personal data (section 40(2)) and disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles (section 40(3)(a)).

As there are only 2.6fte staff members in the EHE Team, they could be identified and information about their membership of the Association would be about them. It would therefore be personal data and section 40(2) is engaged in relation to these questions.

Disclosure under the FoIA is deemed to be to the world at large and it is in that context that section 40(3)(a) is considered. The data protection principles are set out in the UK General Data Protection Regulation (GDPR) and the first principle is that personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

There are six bases for lawful processing in Article 6 of UK GDPR and the only bases relevant to an FOI request are consent and legitimate interests. There is no consent to disclose this information and therefore we have to consider whether there is a legitimate interest to disclose this personal data, i.e. process it lawfully.

Article 6(1)(f) of the GDPR reads as follows:-
Processing shall be lawful only if ... processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data. The Council would have no legitimate interest in publishing this information and therefore, section 40(3)(a) of the FoIA is also engaged.

As section 40(2) and section 40(3)(a) are engaged and this is an absolute exemption not requiring a Public Interest Test, the information held for questions 2 is being withheld from disclosure.

- 2 How many staff that come under the line management of your director of childrens services are members of the Association of Elective Home Education Professionals (AEHEP)? 0
- 3 Is your director of childrens services a member of the Association of Elective Home Education Professionals (AEHEP)? No
- 4 How many attendances have those staff members made at AEHEP meetings within the previous 12 months:
- (i) face to face; (i) 0
 - (ii) virtually? (ii) 0