

REQUEST	16283
<p>I would like to know the date of birth of all the students that have been given a place at SEN provisions starting reception in September 2024.</p>	
<p>RESPONSE</p> <p>The Council confirms it holds the dates of birth of all children that have been given a place at SEN provisions starting reception in September 2024 but is withholding it from disclosure under section 40(2) of the Freedom of Information Act 2000 (the Act).</p> <p>Section 40(2) of the Act states Any information to which a request for information relates is also exempt information if (a) it constitutes personal data ..., and (b) the first, second or third condition is below satisfied.</p> <p>Section 40(3A) (a) of the Act states that the first condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles.</p> <p>Personal data as defined in Article 4(1) of the UK General Data Protection Regulation (GDPR) is any information relating to an identified or identifiable natural person.</p> <p>The Council has confirmed 42 placements in specialist provisions starting in September 2024, however due to the low numbers putting this information in to the public domain could lead to possible identification of the children involved.</p> <p>Article 6 of the UK GDPR sets out the lawful bases for processing of personal data. The only possible lawful bases that could apply to disclosure under the Freedom of Information Act 2000 would be the consent of the children or their parents or for the purposes of the legitimate interests pursued by the controller or by a third party. We do not have the consent of the children or their parents to disclose their information to the world at large which is the implication of disclosure under the Act; all the Council's responses are published on a Disclosure Log. In order to establish a legitimate interest to disclose this information to the world at large, the Council has to consider the interests or fundamental rights and freedoms of the children which require protection of personal data. There is no legitimate interest in disclosure to the world at large of the dates of birth of all children that overrides the fundamental rights and freedoms of the children.</p> <p>The exemption under section 40(2) of the Freedom of Information Act 2000 (the Act) therefore applies.</p>	