

Derby City Council – Response
ID Reference FOI743590174
Date 24/11/2023

1) How many staff members make up your elective home education team?	1 FTE
2) How many staff members from your Elective Home Education team are members of the Association of Elective Home Education Professionals (AEHEP)?	<p>The Council confirms it holds the information that falls within the description of your request.</p> <p>Section 40(2) Personal data third party exemption.</p> <p>Under section 40(2) by virtue of section 40(3)(a)(i), personal data of a third party can be withheld if it would breach any of the data protection principles to disclose it.</p>
3) 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)?	<p>Personal data is defined in section 1(1) of the Data Protection Act (DPA) as: 'data which relate to a living individual who can be identified –</p>
4) Is your director of childrens services a member of the Association of Elective Home Education Professionals (AEHEP)?	<p>(i) from those data, or (ii) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intention of the data controller or any other person in respect of the individual.'</p> <p>The two main elements of personal data are that the information must 'relate' to a living person and that the person must be identifiable. Information will relate to a person if it is about them, linked to them, has some biographical significance for them, is used to inform decisions affecting them, and has them as its main focus or impacts on them in any way.</p> <p>In this instance, the personal data relates to employees membership of the Association of Elective Home Education Professionals</p>

	<p>(AEHEP) which is personal data about the employee.</p> <p>Personal data is exempt if either of the conditions set out in sections 40(3) and 40(4) of FOIA 2000 are met. The relevant condition in this case is at section 40(3)(a)(i) of FOIA 2000, where disclosure would breach any of the data protection principles.</p> <p>In this case we have considered whether disclosure of the personal data would breach the first data protection principle, which states that: <i>'Personal data shall be processed fairly and lawfully.'</i></p> <p>The conditions for processing personal information is largely based on the 'necessity' to process personal information and the Council does not consider the disclosure of an employee's membership details to be necessary. It would not be fair to disclose the information into the public domain given that disclosure under FOI is to the world at large and the employee would have the expectation that their membership details would not be disclosed.</p> <p>There is no lawful basis for disclosing the employee's membership details into the public domain.</p> <p>We accept that releasing this information would reinforce the Council's commitment to being an open and transparent organisation.</p> <p>However, on balance we do not consider that the legitimate public interest would outweigh the interests of the data subjects in this case and the information has been withheld by virtue of Section 40(2) of the Act.</p>
<p>5) How many attendances have those staff members made at AEHEP meetings within the previous 12 months</p> <p>(i) face to face;</p> <p>(ii) virtually?</p>	<p>(i) face to face; 0</p> <p>(ii) virtually? 2</p>

Please note, the following applies, if the response includes council officers (or other officers) names.

If you are a company that intends to use the names and contact details of council officers (or other officers) provided 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

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.

