



States of  
Guernsey

## Access to Public Information Request

**Date of receipt:** 9<sup>th</sup> July 2020

**Date of response:** 9<sup>th</sup> August 2020

### Access to Public Information request regarding the submission for the SMC review into the appointment of the Head of Curriculum & Standards:

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#### **Request for information:**

This is a request under the API code for Education, Sport & Culture and Policy & Resources to release the papers that had been cleared for publication as part of the Scrutiny review into the head of curriculum and standards appointment.

Scrutiny has now dropped its investigation as a result of the States twice rejecting a tribunal of inquiry and it prioritising other work. Both committees have expressed a desire to be fully transparent on this matter. They refused a Guernsey Press media request in March to release the papers. With no Scrutiny investigation, the only route for transparency now is through releasing papers that have already been assessed by government lawyers as acceptable for publication and in compliance with any data protection considerations.

I would argue there is an overwhelming public interest in the release of this material to shine a light on whether States recruitment processes are fair, robust and free of political interference. The committees have acknowledged the public interest in previous statements saying they are not resistance to transparency on this matter.

#### **Response** (provided by the Committee *for* Education, Sport & Culture and the Policy & Resources Committee):

This information cannot be provided in the form set out by the requestor and is exempted under exception 2.9 of the Code of Practice for Access to Public Information (voluminous or vexatious requests).

The requestor's assertion that the information has already been 'assessed by government lawyers as acceptable for publication and in compliance with any data protection considerations' is inaccurate. Data subjects who gave their consent to having their information included in the submission did so only in relation to the submission being provided to the SMC for the purposes of a review, with the terms under which the data would be used, kept and shared clearly set out.. The process of seeking permission from data subjects as to whether they are prepared for their personal information to be included in a submission to an SMC review is not also valid as a permission for that information to be published in any other form or released to any other body.

It would be necessary to approach every individual data subject included in the submission, which is more than 1,000 pages, and again seek their permission to release their personal information.

While the documents have been redacted in line with the permissions granted for an SMC review, it is very likely that at least some data subjects would take a different position on releasing their information outside of that formal review setting, and therefore it is very likely there would again need to be a process of applying a different set of redactions.

It is noted that the requestor has been spoken to about potentially narrowing the scope of the request in line with the Code of Practice for Access to Public Information, but the requestor did not wish to do so at this stage.

While exception 2.9 is applied, other exceptions may also be relevant including those relating to personnel matters and internal advice, but it has not been necessary to consider these. The Committees consider it unfortunate that the Scrutiny Management Committee chose not to conclude the review which it started because it would have helped draw a line under these matters which have been of public and media interest for some time. The Committees set out their views on this in a separate letter which is attached to this response.