

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 January 2013

Public Authority: Crofton Academy

Address: High Street
Crofton
Wakefield
WF4 1NF

Decision (including any steps ordered)

1. The complainant requested information regarding the installation of cameras and biometric identity technology at the school and whether there had been parental consultation about this.
2. The Commissioner's decision is that documentation relating to parental consultation about the installation of these technologies and any internal guidance documentation relating to their use is not held by the school. By withholding part of the requested information under s38(b) the school did not deal with the request in accordance with the FOIA.
3. The Commissioner requires the school to disclose the information requested in parts (i) and (ii) of the request within 35 calendar days of the date of this decision notice.
4. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 14 May 2012 the complainant requested the following information:

"(i) The total number of cameras in your school as of 1st March 2012.

(ii) The number of cameras located inside school buildings as of 1st March 2012.

(iii) The number of cameras located in school changing rooms or bathrooms as of 1st March 2012.

(iv) Details of whether your school employs any biometric identity technology, including but not limited to finger scanners and iris scanners, as of 1st March 2012.

(v) Whether parents of pupils enrolled in the school were consulted about the installation of CCTV and a copy of any document relating to this.

(vi) Whether parents of pupils enrolled in the school were consulted about the installation of biometric technology and a copy of any document relating to this.

(vii) A copy of any internal guidance document relating to the use of the above technologies.

(viii) Whether you display signs informing pupils and teachers they are under surveillance.

(ix) The total number of pupils in your schools as of 1 March 2012."

6. On 25 May 2012 the school refused requests (i) and (ii) under s38(b) FOIA. It provided the information in requests (iii), (iv), (viii) and (ix). With reference to request (v) the school said parents were consulted at the time about its CCTV installation but that the school did not have any document relating to this. With reference to request (vi) the school said that all parents were consulted about the installation of biometric technology but did not say whether there was any document relating to that consultation. With reference to request (vii) the school said it does not hold guidance documents.
7. The complainant appealed on 30 May 2012. On 20 June 2012 the school's internal review upheld the exemption at s38(b) FOIA in relation to requests (i) and (ii).

Scope of the case

8. The complainant contacted the Commissioner on 26 June 2012 to complain about the way his request for information had been handled.
9. On 9 October 2012 the Commissioner asked the school for a copy of the information it had withheld in relation to requests (i) and (ii) in order to determine the appropriateness of the exemption that had been applied.

The school supplied the information to the Commissioner on 16 October 2012.

10. This decision notice addresses the school's responses to requests (v), (vi) and (vii) and its refusal to disclose the information requested in (i) and (ii).

Reasons for decision

11. With reference to its response to request (v) the Commissioner asked the school for the reason why it did not hold documentation concerning parental consultation on the installation of CCTV. The school said the consultation and installation had taken place five years ago and there did not appear to be any long term value in keeping the paperwork. The school had only retained documents relating to the servicing and maintenance of the CCTV equipment. For completeness, the school searched its electronic and paper systems but found no documentation concerning parental consultation. The Commissioner has determined that the information in relation to request (v) is not held.
12. With reference to request (vi) the Commissioner asked the school for a copy of the documentation relating to its parental consultation on the school's installation of biometric technology. The school supplied the Commissioner with a catering company's leaflet. The leaflet has a page explaining how school meals are purchased by pupils using fingerprint scanning. The school said that in support of the leaflet parents of new pupils are verbally advised about the system during induction evenings, open evenings and one to one visits to the school. The Commissioner has determined that consultation documentation in relation to request (vi) is not held.
13. With reference to request (vii) the Commissioner asked the school to clarify whether any internal guidance document had ever been held relating to the use of these technologies. The school cited its original response to the complainant saying that it does not hold guidance documents. The Commissioner has determined that the information in relation to request (vii) is not held.

Section 38(b)

14. The school applied the exemption at s38(b) to requests (i) and (ii).
15. Section 38 states that information is exempt if its disclosure would or would be likely to-
 - (a) endanger the physical or mental health of any individual or
 - (b) endanger the safety of any individual.

16. The refusal notice maintained that disclosure of the total number of cameras and that of the number located inside its buildings would endanger pupils by compromising security.
17. In his appeal against the refusal notice the complainant submitted that release of camera numbers alone would not weaken its security arrangements. He explained that he was not asking for precise locations of cameras or their technical specification. The complainant said that several hundred schools and local authorities had disclosed similar information for purposes of a research project. The project's aim was to compile camera numbers across the country into regional and council statistics and details of individual schools would not be published.
18. The school's internal review maintained that disclosure of the information was likely to compromise security and consequently the safety of pupils.
19. The Commissioner asked the school to confirm which threshold of likelihood it was reliant upon in its application of the exemption i.e. the lower threshold that disclosure '*would be likely to*' cause danger or the higher threshold that disclosure '*would*' cause danger. The school responded that it felt disclosure *could* cause danger as nothing was certain.
20. The Commissioner asked the school to demonstrate a clear link between disclosure of the information and the danger to individuals which it considered may occur.
21. The school said that publicising the number of cameras outside the school could attract the wrong kind of attention from those members of society who prey on schools and such individuals were more likely to choose a school with fewer security cameras.
22. The Commissioner has carefully considered the argument submitted by the school. In his view the school has failed to demonstrate a clear link between disclosure of the information and the suggested danger to its pupils. The basis of the argument is that knowledge of camera numbers outside the school could make it more likely for predators to enter the premises during the school day and prey upon pupils. However, no evidence has been provided by the school to demonstrate (even in times when there were no cameras) that pupils within its supervised school environment have ever been preyed upon by such intruders.
23. The argument is also wholly dependent upon the notion that publicising camera numbers at the school could enable a comparison to be made by such predators with published camera numbers at other schools. However, the requested information by itself would not enable an effective assessment of lower risk at the school to be drawn from such a

comparison. This is because the size of school, layout of buildings, knowledge of 'blind spots' etc would all need to be considered. In any event the project's stated intention is that no details of individual schools or their camera numbers will be published.

24. In the absence of any evidence from the school or the provision of any robust argument to support or explain how danger would be likely to arise from disclosure the Commissioner considers that it has failed to establish engagement of the exemption.
25. As the exemption at s38(b) FOIA is not engaged he has not proceeded to consider the public interest test in respect of the exemption.

Right of appeal

26. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

27. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
28. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF