



## REQUEST 17449

I would like to request anonymized copies of Education, Health, and Care Plans (EHCPs) and any supporting reports used in their formulation, such as:

- Educational Psychology (Ed Psych) assessments
- Speech and Language Therapy (SALT) reports
- Occupational Therapy (OT) assessments
- Any other documentation used in preparing EHCPs

To ensure the dataset is representative, I am specifically requesting **40–50 anonymized EHCPs and their supporting reports**, with a balance across the **four broad areas of SEND** as defined in the SEND Code of Practice:

1. Communication and Interaction
2. Cognition and Learning
3. Social, Emotional, and Mental Health (SEMH)
4. Sensory and/or Physical Needs

## RESPONSE

The Council confirms it holds the information requested but is not disclosing any of the information under s40(2) of the Freedom of Information Act 2000 (the Act) as the information held constitutes personal data of third parties. Article 4 of the UK General Data Protection Regulation (UK GDPR) defines personal data as any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person".

The information requested is in relation to EHCP's and although the request is for anonymised plans, we cannot be certain that in doing this, the child could not be identified. S40(2) of the Act can be applied if disclosure of the information ... would contravene any of the data protection principles (s40(3A) of the Act). Article 5(1) of UK GDPR lays down the first data protection principle as personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject. Article 6 of UK GDPR sets out the lawful bases for the processing of personal data. The only possible lawful bases for disclosure under the Act are consent and legitimate interests.

Consent has clearly not been given in this case and would not be sought by the Council. The Council does not have a legitimate interest in disclosing this information to the world at large which is the effect of disclosure under the Act.

Additionally, any such legitimate interests would need to be balanced against the interests and fundamental rights and freedoms of the data subject, in particular where the data subject is a child. Those rights would clearly override any purported legitimate interests in this case. Therefore, the Council confirms it is withholding disclosure of the information requested under s40(2) of the Freedom of Information Act 2000 as the Condition under s40(3A)(a) is satisfied