

Anti-racism in education

- The Anti-Racist Wales Action Plan sets out a number of goals and actions which aim to embed anti-racism within Wales' education system and create a truly anti-racist Wales by 2030. The Plan includes sections which apply to schools, further education and higher education, and also includes specific actions in relation to Welsh medium education. The Plan brings together work across education, including:
 - updating our statutory anti-bullying guidance to better reflect the impact of racist bullying and harassment;
 - professional learning for teachers and senior leaders (via the Diversity and Anti-Racism Professional Learning (DARPL) project);
 - improving the levels of recruitment, retention and progression into leadership of teachers from ethnic minority communities;
 - ensuring that our teaching reflects the histories and experiences of our diverse communities in Wales.
- A first 12-month report of the successes and challenges experienced delivering the Anti-racist Wales Action Plan – the One Year On report – is due to be published soon. This will include a specific section identifying the progress being made for schools, the education workforce, professional leadership training, plus progress of the actions in FE and HE. The report will also highlight progress for delivery of our Cymraeg 2050 objectives.

Accountability and Governance – Education and Welsh Language Sub-Group

- We have created a new Education and Welsh Language Sub-Group which includes officials from across education, FE, HE, Cymraeg 2050 divisions and Youth Services. External representatives include Professor Jason Arday (Cambridge University), **(Information redacted)**

- **Information redacted**

Gypsy, Roma, Traveller children and young people

- The Anti-Racist Wales Action Plan includes an action for the Welsh Government to update our guidance for schools and education settings to support Gypsy, Roma and Traveller children and young people in education.
- The guidance is due for launch in Mid-November 2023. The guidance will be accompanied by Easy Read and young Person's versions as well as both Children's Rights and Equality impact assessments.

Potential additional member(s) – Review Panel

Information redacted	Information redacted.
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Professor Jason Arday	Welsh Government has recently appointed Professor Jason Arday as an education expert to the External Accountability Group for the Anti-Racist Wales Plan. <u>Jason Arday appointed Professor of Sociology of Education at University of Cambridge.</u>
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* Information redacted

FOI ATISN 47423 and 27462

Freedom of Information Act 2000: Section 40(2)

Section 40(2) together with the conditions in section 40(3)(a)(i) or 40(3)(b) provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

'Personal data' is defined in sections 3(2) and (3) of the Data Protection Act 1998 ('the DPA 2018') and means any information relating to an identified or identifiable living individual. An identifiable living individual 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 the individual.

We have concluded that, in this instance, the information requested contains third party personal data.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be:

"Processed lawfully, fairly and in a transparent manner in relation to the data subject"

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states:

"Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child".

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test: -

- **The Legitimate interest test:** Whether a legitimate interest is being pursued in the request for information;
- **The Necessity test:** Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
- **The Balancing test:** Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate interests

Yes. There is a legitimate interest in disclosure in terms of openness, accountability and transparency about the expertise of individuals and breadth of views sort during the planning stages of the Race Equality Action Plan and the Anti-racist Wales Action plan.

2. Is disclosure necessary?

No. Disclosure of the names is not necessary to meet the legitimate interest identified above. The legitimate interest in accountability and contribution can be met in a less intrusive way and disclosure of names would go beyond what is reasonably necessary to satisfy the requesters interest in transparency.

3. The balance between legitimate interests and the data subject's interests or fundamental rights and freedoms.

No, we believe the interests, rights and freedoms outweigh the legitimate interest in disclosure of their names. The requester can already see from the information provided, contributions made by Professor Jason Arday and disclosure of any other contributor would therefore be an unnecessary intrusion into their personal data

As release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.