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C. Sabucci

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26 August 2015

Dear C. Sabucci,

**Reference 2015-0031196 & 2015-0031200**

Thank you for your requests for information of 24 May 2015 regarding the Nishkam School West London. Please accept my apologies for the delay in responding to you. You made the following requests:

- *a copy of the application form submitted by the Nishkam School Trust to establish the Nishkam West London free school, with details of Phase 1 and Phase 2 development.*
- *The number of families that have registered their interest in the free Nishkam School West London, for Phase 1 and Phase 2 respectively.*
  - *The first part of the postcode of each family's home address.*
  - *The number of faith-based applications, Phase 1 and Phase 2 respectively.*

On 30 June 2015 we received your clarifications regarding your references to phase one and phase two:

- *Nishkam West London started with a temporary site in 2013. This stage is defined by the school itself as Phase 1 development, with Phase 2 relating to their move to a permanent site and expansion in September 2017.*
- *Normally before a school is open there has to be evidence of demand. As this school opened in September 2013 (Phase 1), I would like to see the demand for this and, since the school is expanding from September 2017 (Phase 2) and has requested interested families to register their interest in "Phase 2" part of the development, I would like to see the demand for this.*

I have dealt with your request under the Freedom of Information Act 2000 (“the Act”) and can confirm that after further consideration, we have decided that Section 43 no longer applies to this request.

Following a search of the Department’s paper and electronic records, I have established that:

- The Department does hold :
  - The application for the Nishkam School West London.
  - The first part of the postcode attached to each expression of interest for phase 1, which comes to a total of 857 expressions of interest.
  - The evidence of demand for phase one.
- The Department does not hold information on :
  - The number of families that have registered their interest in Nishkam School West London for phase one and two.
  - The number of faith based applications received for phase one and phase two respectively.
  - The evidence of demand for phase two

I understand that you have already received details of the Nishkam West London application form from a colleague. For ease of reference, I have also included the link below.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/390574/MS\\_065\\_W3\\_Nishkam\\_School\\_West\\_London.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/390574/MS_065_W3_Nishkam_School_West_London.pdf)

You have also requested the evidence of demand for the Nishkam School West London for phase one, which you will find at Annex A. Some of the information in the evidence of demand has been redacted under Section 40(2) of the Act. This includes the date of birth of those who have expressed an interest.

Section 40(2) applies as the information requested includes 3rd party personal data. Personal data is that which relates to a living individual who can be identified from that data, or from that data and other information which is likely to be in, or to come into, the possession of the requestor. Disclosure of this information would contravene a number of the data protection principles in the Data Protection Act 1998, and would be regarded as ‘unfair’. By that, we mean the likely expectations of the data subject that his or her information would not be disclosed to others and the effect which disclosure would have on the data subject. Section 40(2) is an absolute exemption and is not subject to the public interest test.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

I also acknowledge your email of 18 August 2015, in which you requested an internal review. We do hope you are satisfied with the information that has now been provided, however, if you are still unhappy with the way your request has been handled, you can complain to the department within two calendar months of the date of this letter. Your complaint will then be considered by an independent review panel, who were not involved in the original consideration of your request.

If you are not content with the outcome of your complaint to the department, you may then contact the Information Commissioner's Office.

Yours sincerely,

Shenara Pennycooke

Academies – London, South East and East of England