

7 November 2023

Dear

ATISN 19148

Information requested.

Thank you for your request which was received on 10 October. You asked for the following information:

- The latest (2022/23 academic year) Key Stage 4 school level attainment data.

Our response.

I have decided that the information described above is exempt from disclosure under **Section 22 of the Freedom of Information Act**. The exemption is applicable in this case as the information is intended for publication at a future date.

The reasons for applying these exemptions are set out in full at **Annex 1** to this letter.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit
Welsh Government
Cathays Park
Cardiff
CF10 3NQ
or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

Website: www.ico.org.uk

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely

Annex 1

I have decided to withhold the following information:

- The latest (2022/23 academic year) Key Stage 4 school level attainment data.

Whilst I can confirm that the Welsh Government holds this information, it is considered exempt under **section 22 of the Freedom of Information Act**. This states:

1) *Information is exempt information if—*

(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),

(b) the information was already held with a view to such publication at the time when the request for information was made, and

(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)

I can confirm that the conditions under (a) and (b) are satisfied. For (c), the Welsh Government believes that it is reasonable in all the circumstances that the information should be withheld from disclosure until that time.

Currently the Welsh Government is undertaking a validation process with schools to ensure the accuracy of the Key Stage 4 (KS4) 2022/23 attainment data. Releasing the requested information now, before this process is complete, may not correspond with the attainment data that the Welsh Government intends to publish on [My Local School](#) in January 2024; it could be misleading and not present an accurate picture. For that reason, we believe it is reasonable for the publication schedule to remain to ensure the accuracy and integrity of the information.

This Annex sets out the reasons for the engagement of sections 22 of the Freedom of Information Act and our subsequent consideration of the Public Interest Test.

Public Interest Test

Section 22 is a public interest tested exemption. This means that, in order to withhold information under it, the public interest in withholding must outweigh that in releasing.

Public interest arguments in favour of disclosure

Welsh Government acknowledges the general public interest in openness and transparency that release would engender.

Public interest arguments in favour of withholding

The Welsh Government believes that school level KS4 attainment data should be exempt from disclosure at this time on the basis that the requested information will be available for the public to view on MyLocalSchool in January 2024. To release the information now, before the validation process is complete, could mean instances where the published KS4 attainment data for a school in January 2024 might differ from the attainment data currently held. This has the potential risk of causing confusion and leading to incorrect conclusions being drawn about KS4 attainment information for individual schools. Therefore, disclosure of this information before the publication date may compromise trust in the accuracy of official information.

Balance of public interest test

After careful consideration of the public interest arguments in favour of disclosing and withholding the requested information, I consider that the public interest arguments to withhold outweigh the public interest arguments to release the information at this time. The public interest in this information will be met with the anticipated publication of the KS4 attainment data for 2022/23 in January 2024.