



Eich Cyf/Your Ref: Chris Owen Correspondence
Ein Cyf/Our Ref:10943

19 December 2016

Dear ,

ATISN 10943: Electronic correspondence.

Thank you for your request which I received on Friday 25 November 2016 about Chris Owen's correspondence. You asked for:

Between January 2016 and today, all electronic correspondence between Chris Owen, head of Digital Learning Unit (Schools Standards and Workforce Group) at the Department for Education and Skills and representatives of the following organisations:

- Microsoft
- Google
- Learning Possibilities, including Professor Stephen Heppell
- PwC

I can confirm that Chris Owen has had no correspondence with either PwC or Google between those dates.

Whilst I can confirm that correspondence exists between Chris Owen and Learning Possibilities, and Microsoft, I believe the request is vexatious within the meaning of section 14(1) of the Freedom of Information Act.

The Information Commissioner's guidance on section 14 vexatious requests refers to requests which would impose a grossly oppressive burden. The guidance states that a public authority may be able to apply section 14(1) where it can make a case that the amount of time required to review and prepared the information for disclosure would impose a grossly oppressive burden. The guidance states that an authority is most likely to have a viable case where:

- The requester has asked for a substantial volume of information, and
- The authority has real concerns about potentially exempt information, and
- Any potentially exempt information cannot easily be isolated because it is scattered throughout the requested material.

For your current request, I believe that all three bullet points are satisfied.

With regards Chris Owen's correspondence with Learning Possibilities and Microsoft since the start of the year, we estimate that Chris Owen has sent in the region of around 400 e-mails. Based on this figure, it would be logical to work on the premise that Chris Owen has also received somewhere in the region of this number, meaning there will potentially be around 750 to 800 e-mails that would be captured by the request.

The nature of the e-mails Chris Owen is sending and receiving from Learning Possibilities are all to do with the successful delivery of their contract with Welsh Government. The nature of the e-mails Chris Owen is sending and receiving from Microsoft are all related to the successful delivery of the Microsoft Office 365 platform to education stakeholders across Wales. All the correspondence contains contractual and commercial details throughout the trails which makes it challenging to unpick and isolate the sensitive information without considering the contents of each individual e-mail. Information included in the correspondence with Learning Possibilities also relates to complaints and disputes which may be damaging for both Welsh Government and the supplier. This is not information we would be able to release without due consideration and consultation with the third party.

The guidance goes on to say that the key question to consider is whether the purpose and value of the request provides sufficient grounds to justify the distress, disruption or irritation that would be incurred by compliance with the request. The guidance states that it would be helpful to view this as a balancing exercise where the serious purpose and value of the request is weighed against the detrimental effect.

Whilst the Welsh Government recognises the public interest in the openness and transparency that release of the information would engender, your own personal interest in this information notwithstanding, I am unable to identify any specific or overriding public interest that would justify the disruption that dealing with the request would cause. I can confirm, however, that Chris Owen has had no correspondence with Professor Stephen Heppell during this time period.

Because of this, I am refusing your request on the grounds that it is vexatious under section 14(1) of the Freedom of Information Act 2000.

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: FreedomOfInformationOfficer@wales.gsi.gov.uk

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.

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

Yours sincerely