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PRIMARY SCHOOL

Redaction Procedure

Hear of the Community

Acepting everyone

Love of God and neighbour

Excellence for all

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Redaction Procedure

1. Introduction

- 1.1. This procedure is based on The National Archives Redaction Toolkit which provides a guide to editing exempt information from paper and electronic documents prior to release.
- 1.2. This procedure should work in conjunction with any team/departmental guidance. If there is any contradiction between the two, please consult the Information Governance Team for advice.

2. What is redaction?

- 2.1. Redaction is the separation of disclosable from non-disclosable information by blocking out individual words, sentences or paragraphs or the removal of whole pages or sections prior to the release of the document. In the paper environment some organisations will know redaction as *extracts* when whole pages are removed, or *deletions* where only a section of text is affected.

3. Principles of redaction

- 3.1. Always carry out redaction on a copy of the original record, whether paper or electronic, never on the record itself. This ensures that while the redacted information is permanently removed from the copy of the record (which can then be made accessible) the original text remains in the original record. Redaction should never result in the complete removal of text or information from an original record.
- 3.2. Redaction is carried out in order to edit exempt details from a document. Use it when one or two individual words, a sentence or paragraph, a name, address or signature needs to be removed.
- 3.3. If so much information has to be withheld that a document becomes meaningless, the entire document should be withheld. In the case of paper documents the same principle should apply to individual pages.
- 3.4. Redaction should be performed or overseen by staff that are knowledgeable about the records and can determine what material is exempt. If those identifying such material do not carry out the redaction themselves, their instructions must be specific - so for example: 'Memo dated ..., paragraph no..., line starting... and ending...' and so on.
- 3.5. Under FOI, applicants may request information presented in electronic form. For paper documents, this will usually mean scanning the redacted version of the material. If, however, the level of resources required to do the scanning would make this unduly onerous, the FOIA allows the organisation to set aside the applicant's stated preference on the grounds of practicability (Section 11).

4. Identifying material for redaction

- 4.1. To comply fully with requests for information, redact exempt material only. A whole sentence or paragraph should not be removed if only one or two words are non-disclosable, unless release would place the missing words in context and make their content or meaning clear.
- 4.2. In the case of electronic records close examination of the internal bit stream of the file can reveal the length of the redacted content. Take great care to ensure that the non-disclosable material cannot be deduced. This may mean disguising the size and shape of the redacted content. This is especially the case where the non-disclosable information appears in several locations within the file, and where there is an increased chance of deciphering such redacted content using a combination of location pattern, bit length and the associated unredacted text.
- 4.3. Reviewers should consider that earlier statements in a document might suggest the content of removed material. For example, if a paragraph refers to reports from overt sources, and the following paragraph refers to reports from covert sources, as well as removing the words 'covert sources', 'overt sources' would also need to be removed or the meaning of the missing words from the second paragraph could be inferred.

5. Keeping records of redaction work

- 5.1. Once reviewers have identified redactions, agreed with any other interested parties, decisions need to be recorded. This can either be by keeping a copy of the released version of the documentation, with a note explaining the reasons for redaction, or keeping a detailed list of the redacted information. This will then be retained in line with the Retention Schedule.

6. Redaction of documents

- 6.1. Always carry out redaction on a copy, leaving all the information contained in the original document intact.
- 6.2. There are a range of redaction methods (see Section 7), and any may be used effectively according to issues such as the structure and content of the document, the degree of confidentiality, and the cost and time available.
- 6.3. Whichever method is used, the end result must ensure that the redacted material cannot be seen or guessed due to incomplete redaction. This means checking to make certain that words cannot be made out when the document is held up to light or that the ends, top or bottom of text are not visible.
- 6.4. Every document that is redacted should be checked by a secondary party to verify that there is nothing further that requires redacting which has been missed.

7. Methods of redaction

- 7.1. **Cover-up tape** – The simplest form of redaction is to use a high quality cover-up tape that can be placed on the original documents over the areas to be redacted,

taking care that no parts of words are showing. By making a photocopy of the redacted text, an access version is produced ready for presentation.

- 7.2. **Blacking/whiting out** – Another simple solution is to photocopy the original document and use a black marker pen to block out the sensitive material. The redacted version should then be photocopied again to produce an access version. The further photocopy is necessary as information redacted using marker pen can be read when held up to light.
- 7.3. **Correction fluid** – The same process can be used substituting a good quality correction fluid for marker pen. Ensure that no redacted text is visible before making the second photocopy, which again is necessary as correction fluid can be easily removed.
- 7.4. **Electronic records** – These can be printed as a hardcopy and redacted as above or the information may be redacted from an electronic copy, which is then printed. If the redacted copy is required in electronic format, this can be created by scanning the redacted paper copy into an appropriate format, such as Adobe Portable Document Format.
- 7.5. This approach is currently recommended by The National Archives, if it meets the business requirements of the organisation.

8. Redaction Guidance

- 8.1. **Consent** – Where consent is given or could reasonably be expected to be given then third party information does not need to be redacted. **The decision whether it is appropriate to do so should be made on a case-by-case basis.** This decision will involve balancing the data subject's right of access against the other individual's rights in respect of their own personal data. You must not apply a blanket policy of withholding it.
- 8.2. **Information generally known by the individual making the request** – If the third-party information has previously been provided to the individual making the request, is already known by them, or is generally available to the public; it will be more likely to be reasonable for you to disclose that information. It follows that third-party information relating to a member of staff (acting in the course of their duties), who is well known to the individual making the request through their previous dealings, would be more likely to be disclosed than information relating to an otherwise anonymous private individual.
- 8.3. **Circumstances relating to the individual making the request** – The importance of the information to the requester is also a relevant factor. The need to preserve confidentiality for a third party must be weighed against the requester's right to access information about his or her life. Therefore, depending on the significance of the information to the requester, it may be appropriate to disclose it even where the third party has withheld consent.
- 8.4. **Social work, health and educational records** – Special rules govern subject access to social work, health and educational records. In practice, these rules mean that relevant information about social work, health or education professionals (acting in their professional capacities) should usually be disclosed in response to a SAR.

Social Care – Special rules apply where providing subject access to information about social care and related activities which would be likely to prejudice the carrying out of social work by causing serious harm to the physical or mental health or condition of the requester or any other person. These rules are set out in the Data Protection (Subject Access Modification) (Social Work) Order 2000 (SI 2000/415). Their effect is to exempt personal data processed for these purposes from subject access. To apply this exemption, there clearly needs to be an assessment of the likelihood of the disclosure causing serious harm. If you are not a social care professional, you must consult the social care professional who is responsible for the care of the individual concerned before deciding whether the exemption applies. A further exemption from subject access to social work records applies when a SAR is made by a third party who has a right to make the request on behalf of the individual, such as the parent of a child or someone appointed to manage the affairs of an individual who lacks capacity. In these circumstances, personal data is exempt from subject access if the individual has made clear they do not want it disclosed to that third party. The decision regarding redaction in this situation should only be made by a qualified social work professional.

Health – Special rules apply where providing subject access to information about an individual's physical or mental health or condition would be likely to cause serious harm to them or to another person's physical or mental health or condition. These rules are set out in the Data Protection (Subject Access Modification) (Health) Order 2000 (SI 2000/413), and their effect is to exempt personal data of this type from subject access to the extent that its disclosure would be likely to cause such harm. To apply this exemption, there clearly needs to be an assessment of the likelihood of the disclosure causing serious harm. If you are not a health professional, you must consult the health professional who is responsible for the clinical care of the individual concerned before deciding whether the exemption applies. This requirement to consult does not apply if the individual has already seen or knows about the information concerned. A further exemption from subject access to information about an individual's physical or mental health applies where a SAR is made by a third party who has a right to make the request on behalf of the individual, such as the parent of a child or someone appointed to manage the affairs of an individual who lacks capacity. In these circumstances, personal data is exempt from subject access if the individual has made clear they do not want it disclosed to that third party.

Education – In deciding what information to supply in response to a SAR, you need to have regard to the general principles about exemptions from subject access described elsewhere in this document. Examples of information which (depending on the circumstances) it might be appropriate to withhold include:

- Information that might cause serious harm to the physical or mental health of the pupil or another individual;
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests;
- Information contained in adoption and parental order records; and
- Certain information given to a court in proceedings concerning the child.

9. The Information Commissioner's Office

9.1. The Information Commissioner's Office (ICO) is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public

bodies and data privacy for individuals. Complaints relating to Data Protection and Freedom of Information can be escalated to the ICO.

- 9.2. Failure to redact documentation correctly is a breach of the Data Protection Act and could lead to sanction from the ICO. The ICO has the power to fine authorities up to £500,000 for serious breaches.

10. Data Protection

- 10.1. The Data Protection Act 1998 places a legal obligation on all organisations to process personal data in accordance with eight Data Protection Principles set out in the Act. The Act gives enforceable rights to individuals (data subjects) and places obligations on those legal persons who control the manner and the purpose of the processing of personal data (data controllers).

11. Supporting Guidance

- 11.1 The ICO guidance on 'How to disclose information safely' goes into more detail when disclosing information which has been derived from personal data and requires further processing to ensure that individuals cannot be identified from that information. This is relevant when dealing with FOIs, SARs or Environmental Information Requests. ICO's website www.ico.org.uk