

Our ref: /FOI 2020-21 148
27 November 2020

Click here to enter text.

Contact: Click here to enter text.
Direct line: Click here to enter text.
foi@sqa.org.uk

Dear Click here to enter text.

Freedom of Information Request for Review

On 09 September 2020, SQA received your request for a review under the Freedom of Information (Scotland) Act 2002 (FOISA). I can confirm that as the Reviewer I have had no involvement in our original response to you. You requested a review in relation to our reply to your original freedom of information request, as shown below.

1 ORIGINAL REQUEST

Can I request the appeal uphold rates by school and school area for the last decade for national 5s, higher and advanced highers?

SQA's RESPONSE

This is the first year that there have been appeals and as they are still in progress, there is no finalised data available as yet. The Results Services Statistical Tables will be published in December as per our [Publication Schedule](#). Please note these tables are published by course.

Since Curriculum for Excellence started in 2014 until 2019, centres could request a clerical check or review of marking through the post results service (PRS) and the statistics have been published for this and are available on the SQA website [here](#). Select the year required from the drop down menu. Then select the Results Services Statistical Tables.

From 2010 until 2013, there was an appeals service which was different to Post Results Service. Again these tables are published on our website and can be accessed [here](#). Select the year required from the drop down menu. Then select the National Qualifications Appeals Analysis.

27 November 2020

2 REVIEW REQUEST

I would like to complain about the SQA's response to the freedom of information request below. The response does not answer the request as the information provided on appeals (whether review of marking or full appeals) does not include successful appeals by school. This is the pertinent information I requested. You have not fulfilled that request.

SQA's RESPONSE

In our original response to you SQA did acknowledge that the information to be published in December 2020 (and the published data from previous years) is presented by course. This is in keeping with the format of the National Attainment Statistics that are presented by level and by subject. However, we did not fully explain why we did not provide the centre level tables you requested.

SQA as Scotland's national qualifications body is subject to the Education (Scotland) Act 1996 as amended by the Scottish Qualifications Authority Act 2002. Under this legislation SQA is responsible for devising qualifications and for making arrangements for the assessment of individuals undertaking these qualifications and ensuring that standards of qualifications are maintained year on year. Please follow the link [here](#) to the legislation.

SQA publishes the National Attainment Statistics by qualification level and subject each year to enable public scrutiny of these standards in qualification level and subject year on year. One of the processes designed to ensure this standardisation is the Grade Boundary process.

You are asking SQA to provide you with statistical data of appeals from 2010 to 2020 at centre level. At this level the risk of being able to identify individual candidates is substantially increased because it is a small number in a very small geographical area. To release this information to you SQA would be in breach of their responsibility under the General Data Protection Regulations and the Data Protection Act 2018 to safeguard the personal data they hold on individual candidates.

Under section 38(1)(b) of the Freedom of Information (Scotland) Act SQA can withhold the information if disclosure would breach the Data Protection Act.

Therefore, I change the decision under review to now state that SQA is not providing the information in the format you have requested because under section 38(1)(b) of the Freedom of Information (Scotland) Act we would breach the Data Protection Act.

If you remain dissatisfied, you have a right to apply to the Scottish Information Commissioner for a decision. You must apply to the Commissioner within six months of this response. The Scottish Information Commissioner has launched a new online appeal service. You can now access this online service by using the following web-link:

27 November 2020

www.itspublicknowledge.info/Appeal

Should you wish to appeal against this decision, you have the right to appeal to the Court of Session on a point of law only. Further details on this process are available on the Commissioner's website www.itspublicknowledge.info, other contact details are as follows:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
KY16 9DS
Tel: 01334 464610
E-mail: enquiries@itspublicknowledge.info

Yours sincerely