

8 April 2019  
Our ref: 5162230

Thank you for your request received on 9 March 2019, for the following information:

**Please provide me with copies of all written communications between Barnet Council and the DCMS from 1st August 2018 and the 1st February 2019 Please note this is a revised request from Jan 2019 and I have now refined my request to the last 6 months only**

We have processed this request under the Freedom of Information Act 2000.

### **Response**

I can confirm that London Borough of Barnet holds the information you requested. However, we believe that the exemptions detailed below apply to some/all the information you requested and so we are withholding that information.

Please see the Refusal Notice below.

***Please provide me with copies of all written communications between Barnet Council and the DCMS from 1st August 2018 and the 1st February 2019 Please note this is a revised request from Jan 2019 and I have now refined my request to the last 6 months only***

We consider that the absolute exemption set out in Section 21 (Information accessible by other means) applies to one of the documents held, because the information requested is already reasonably accessible elsewhere.

<https://www.gov.uk/government/publications/letter-from-minister-for-arts-heritageand-tourism-john-glen-stating-a-minded-to-decision-on-public-library-provision-inbarnet>

We consider that the qualified exemption set out in Section 36 (Prejudice to the effective conduct of public affairs) subsection 2(b)(i), 2(b)(ii) and 2(c) applies to the information requested. Therefore, we have decided to withhold the rest of the information held.

In applying this exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.

### **Factors in favour of disclosure**

- Promoting accountability and transparency by public authorities for decisions taken by
- Promoting accountability and transparency in the spending of public money.

- Allowing individuals, companies and other bodies to understand decisions made by public

authorities affecting their lives.

- Furthering the understanding and participation in the public debate of issues of the day.

### **Factors in favour of withholding**

- This information (the questions and detailed response provided by the Council) is part of

the information and evidence that the Department for Digital Culture Media Sport has been

carefully analysing in order to make a final decision relating to a complaint to the department

under section 10 of the Public Libraries and Museums Act 1964.

- The information is a material part of the live policy consideration by the Department for

DCMS of this complaint case and the decision is yet to be completed.

- The Council needs a safe space in which its officers can test library service provision and

delivery in discussions with the Department for DCMS.

- Disclosures would depart from 'established protocols for handling complaints' and generate

issues which would be exploited and queries that would need to be addressed (thereby

diverting resources from other Council work).

- The Council considers that prejudice will be likely to happen to its interests if information

were to be disclosed.

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

We consider that the qualified exemption set out in Section 36 (Prejudice to the effective conduct of public affairs):

- **Subsection (2)(b)(i) the free and frank provision of advice.** The council and its officers

needs to be able to respond to requests for further information about decisions taken over

the library provision in Barnet and are in the process of providing relevant information to the

DCMS as part of their investigation of the complaint. Disclosure of written and verbal communications would prejudice the Council's interests.

- **Subsection 2(b)(ii), the free and frank exchange of views for the purposes of**

**deliberation.** The Department for DCMS is still considering the complaint and to pre-empt

its decision by a premature release of communications with the Council would prejudice the

complaint process.

- **Subsection (2)(c) would otherwise prejudice, or would be likely otherwise to**

**prejudice, the effective conduct of public affairs.** Disclosure of information during a

complaint would set an unwelcome precedent and would be a clear departure from 'established protocols for handling complaints' and generate issues which would be exploited and queries that would need to be addressed (thereby diverting resources from other Council work).

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **Further information**

The London Borough of Barnet has consulted the DCMS on its views on release of information held as it relates to the complaint they are handling, in line with the FOI Code of Practice in handling information requests. We have taken account their comments when deciding whether or not to release the information, but note that the ultimately decision ours to make.

I can confirm that the Monitoring Officer has had sight of the correspondence held and signed off the s36 exemption for all documents that are withheld.

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to

access. <http://open.barnet.gov.uk/>

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## **Advice and Assistance : Direct Marketing**

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link [www.ico.org.uk](http://www.ico.org.uk)

**For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.**

## **Your rights**

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk). Or by post to Information Management Team (FOI) The London Borough of Barnet, North London Business Park, Oakleigh Road South, London, N11 1NP

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website [www.ico.org.uk](http://www.ico.org.uk)). There is no charge for making an appeal.