

25 July 2019
Our ref: 5431028

Thank you for your request received on 4 July 2019, for the following information:

1. How many non-national children did you accommodate under section 20 of the Children Act 1989 in 2016/2017/2018? Please exclude children who entered the UK as unaccompanied minors and are seeking asylum.

2. How many children did you accommodate under section 20 of the Children Act 1989 for a consecutive period over 180 days in 2016/2017/2018?

3. How many children in Q1 had parents who did not speak English?

4. How many children from Q1 had written accommodation agreements?

5. How many children from Q1 had written accommodation agreements translated into another language?

6. How many children from Q1 were accommodated for a consecutive period over 180 days in 2016/2017/2018?

7. What are the age breakdowns of children from Q1 and Q2?

8. How many children from Q1 and Q2 have plans in place for:

a. A care order under section 31 Children Act 1989?

b. A placement order under section 21 Adoption and Children Act 2002?

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

Response

Please see the attached spreadsheet for the response.

Refusal Notice Section 40(2)

[Part 1 of Schedule 19](#) of the Data Protection Act 2018 amends the personal data exemption under section 40 of the Freedom of Information Act 2000(FOI). These are consequential amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998. They will not fundamentally impact when personal data can, and cannot, be disclosed in response to an FOI request.

Personal Information is governed by the Data Protection Act legislation and is defined as any information relating to an identified or identifiable natural person ('data subject')". It adds that: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location number, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The withheld information is exempt because disclosure would contravene the first data protection principle which requires that personal data is processed fairly and lawfully. Disclosure of the requested information would breach this principle and in particular the requirement of fairness.

Refusal Notice Section 12 (exceeds appropriate limit)

For Q3, Q4, Q5, and Q8 we are refusing your request under section 12 because we estimate that compliance with your request will exceed the "appropriate limit" under section 12. The appropriate limit is £450 which is equivalent to 18 hours at £25 per hour. The per hour figure is set by Regulations rather than actual salary paid to any officers handling requests. The appropriate limit includes the time it will take the council to discover if it holds the information requested, to locate it, extract it and collate it as well as putting it into any particular format requested by the requester.

We are unable to provide this information that you asked for within the statutory 18 hour limit because we do not hold this data as a category on our management system. We would need to read every referral made to us since 2016 of children who are not British Citizens. We have 120 such cases during this time. It would take approx 12 minutes to review each case. $120 \text{ cases} \times 12 \text{ minutes} = 1440 \text{ minutes}$ (24 hours). We have therefore decided to refuse your request.

Advice and Assistance

Unfortunately, there is no further advice we can offer as to how to narrow down your request to bring it in within the 18 hour time limit because of the way the information is held on our systems.

This information is often not provided by the parent.

Further information

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/>

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

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. Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

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). There is no charge for making an appeal.