



Assurance Group
London Borough of Barnet,
2 Bristol Avenue, Colindale,
London NW9 4EW
12 August 2019
Our ref: 5532117

Thank you for your request received on 7 August 2019, for the following information:

As with all Barnet Allotment sites Pointalls Allotments and District Society was granted a lease by Barnet Council to enable self management in the year 2013. As part of granting the lease a Schedule of Conditions was drawn up by the Council. I understand from the lease that this was contained in Schedule 7 and was individual to each site.

*** Will you please provide me with a copy of Pointalls Allotments and District Society Schedule of Conditions, Schedule 7.**

*** A copy of the Site Plan, referred to Schedule 2 of the lease and the site survey and any photographs. (noted on page 17 of the lease and clarified in the lease guidance notes provided on the Barnet Allotment Federation website).**

*** Any other correspondence/emails relating to the lease between Barnet Council and Pointalls Allotments and District Society.**

*** In December 2016 Pointalls became a company limited by guarantee, can you please provide me with copies of all correspondence and emails between Barnet Council and Pointalls Allotments Limited.**

*** Copies of all Schedule 4 returns submitted between 2014 and 2019 by Pointalls Allotments and District Society and Pointalls Allotments Limited.**

We have processed this request under the Environmental Information Regulations 2004.

Response

I can confirm that London Borough of Barnet holds the information you requested.

However, we consider that the following exceptions apply to some of the information requested. The remaining information is not withheld and is attached.

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**** Will you please provide me with a copy of Pointalls Allotments and District Society Schedule of Conditions, Schedule 7.***

Please see attached

**** A copy of the Site Plan, referred to Schedule 2 of the lease and the site survey and any photographs. (noted on page 17 of the lease and clarified in the lease guidance notes provided on the Barnet Allotment Federation website).***

Please see attached

**** Any other correspondence/emails relating to the lease between Barnet Council and Pointalls Allotments and District Society.***
**** In December 2016 Pointalls became a company limited by guarantee, can you please provide me with copies of all correspondence and emails between Barnet Council and Pointalls Allotments Limited.***

We consider that regulation 13 (Personal information) applies to the information requested. Please see refusal notice below. If you are requesting your own information you may wish to make a Subject Access Request.

**** Copies of all Schedule 4 returns submitted between 2014 and 2019 by Pointalls Allotments and District Society and Pointalls Allotments Limited.***

We consider that regulation 13 (Personal information) applies to the information requested.

Therefore, we have decided to withhold the information.

Refusal Notice

[Part 1 of Schedule 19](#) of the Data Protection Act 2018 amends the personal data exception Regulation 13 of the Environmental Information Regulations 2004. 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 EIR request.

We consider the information is subject to Regulation 13 because to release it would be a breach of the Data Protection Act 2018.

Personal Information is governed by the Data Protection 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.

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.