



London Borough of Barnet,
2 Bristol Avenue,
Colindale,
London NW9 4EW
14 August 2019
Our ref: 5447329

Thank you for your request received on 8 July 2019, for the following information:

- 1. The number of Councillors who have a current DBS check (and whether this is enhanced) performed by Barnet Council**
- 2. The names of all councillors who do not have a current DBS check held by Barnet Council**
- 3. For clarity, Please specify any councillors who have previously had a valid DBS check, which is now out of date and by how long**

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 consider that the following exemptions apply to some of the information requested. The remaining information is not withheld and is below.

1. The number of Councillors who have a current DBS check (and whether this is enhanced) performed by Barnet Council

There are 25 current Members of the Council who have a current enhanced DBS check. There are a further 12 current Members that have DBS checks in progress. Once these further 12 checks are completed there will be a total of 37 Members with enhanced DBS checks as required in accordance with the requirement in the Council's HR Policy.

See Refusal Notice below.

2. The names of all councillors who do not have a current DBS check held by Barnet Council

As documented within the Council's HR Policy it is not considered that all other Councillors are required to obtain a DBS Check. Therefore Councillors that are not required to conduct duties on behalf of the Council within the realm of child and adult care duties, do not need to be requested by the Council to complete a DBS check. The Council does not have to disclose the names of individuals .

See Refusal Notice below.

3. For clarity, Please specify any councillors who have previously had a valid DBS check, which is now out of date and by how long

The Council does not have to disclose the names of individuals.

See Refusal Notice below.

We consider that the absolute exemption set out in Section 40 (Personal information) subsection 2 applies to the information requested. Therefore, we have decided to withhold the information.

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 because Members for the council have a reasonable expectation of privacy and do not expect that the council would disclose their names or contact details in response to a freedom of information request. The intrusion is only considered to be fair in the context of the Committee roles and responsibilities but not on the individual Cllrs where we would anonymise.

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.