

16 October 2019

Our ref: 5698792

Thank you for your request received on 24 September 2019, for the following information:

***Hi can I receive a copy of the latest report for this restruant please?***

***Kabul City Restaurant***

***Food hygiene rating is '1': Major improvement necessary***

***Address***

***34 Station Road Edgware  
HA8 7AB***

***Business type***

***Restaurant/Cafe/Canteen***

***Date of inspection: 05 March 2019***

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.

We consider that regulation 12 (4) (d) (In course of completion, unfinished or incomplete) applies to the information requested because we consider that the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data.

Therefore, we have decided to withhold the information.

**Refusal Notice - Regulation 12 (4) (d)**

We consider that regulation 12 (4) (d) (In course of completion, unfinished or incomplete) applies to the information requested because we consider that the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data.

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

**R14(4) (d) the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data**

Regulation 12(4)(d) Material still in the course of completion has been applied. As such the Council argues that the internal communications should be withheld to maintain “a safe, internal, confidential, private space (away from the public and hence external scrutiny) in which it is able to discuss and determine such issues affecting it, in order to facilitate full and frank deliberation and debate and permit high quality decision making which is required for the sound performance of the Council as a whole”.

*Public interest test considerations*

I have considered whether the public interest in maintaining the exception outweighs the public interest in disclosing the information. There are a number of public interest arguments that weigh in favour of disclosing the information you have sought:

- The general proposition of maximising openness that the EIR and the Council aspire to;
- The benefits of ensuring transparent and accountable government by disclosing how the Council receives and spends public money;

However, there are also public interest arguments against disclosure:

- the premises has had a re-rating visit carried out and the rating is currently within the appeal period so not showing on the Food Standards Agency website.

Please see <https://ratings.food.gov.uk/enhanced-search/en-GB/Kabul%20City/%5E/Relevance/0/502/%5E/0/1/10> which states that a new rating is to be published soon.

The rating will show 28 days after our inspection.

- Transparency and public scrutiny of decision making objectives will be met by making the details held on the database available on request

The public interest in withholding the requested information outweighs the public interest in disclosure of the requested information.

**Further information**

We have provided a copy of the previous report for information

We consider that regulation 13 (Personal information) applies to the information requested. Therefore, we have decided to withhold some of the information.

[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.

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](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) 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](http://www.ico.org.uk)). There is no charge for making an appeal.