

25 October 2019

Our ref: 5668088

Thank you for your request received on 27 September 2019, for the following information:

I'm doing some research (across dozens of local authorities) on Vietnamese nationals referred to the National Referral Mechanism, and I noticed in the NRM data reports on the NCA's website that your local authority has referred a number of people to the NRM over the past few years. Under FOI, I'd like to request a bit more information about these cases.

I would be grateful if you could send me answers to:

1. How many Vietnamese nationals, if any, did your local authority refer to the NRM in 2016, 2017, 2018 and 2019? (I am told you will need to digitally search your NRM forms, and look for those with 'Vietnam' or 'Vietnamese' in the 'Nationality' box on the form.) Please break the numbers down by year, by male/female, and by minors or adults.

2. Of these cases, how many involve people whose NRM referral mentions them having enrolled at, been a student at, or gone missing from, a school or college in the UK? ('School' or 'college' or 'sixth form' appears in the NRM referral form, I have been told it is straightforward to search digitally). Again, break the numbers down by year, by male/female, and by minors or adults.

3. Of these cases mentioned in question 2, please tell me the names of the schools or colleges mentioned in these forms. If you can't name a specific school or college for operational reasons, please explain what that reason is and for that school/college just tell me what type of school or college it is (independent, sixth form etc, and please make clear if it is private or state funded) and which county it is in.

I've purposely structured my request in such a way that it shouldn't come up against FOI clauses relating to data protection or demands on your resources (I've received guidance from the Information Commissioner's Office on this point to avoid wasting my / your time).

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.

I would be grateful if you could send me answers to:

1. How many Vietnamese nationals, if any, did your local authority refer to the NRM in 2016, 2017, 2018 and 2019? (I am told you will need to digitally search your NRM forms, and look for those with 'Vietnam' or 'Vietnamese' in the 'Nationality' box on the form.) Please break the numbers down by year, by male/female, and by minors or adults.

We referred 9 Vietnamese individuals to the NRM within the time frame requested.

Because of the low numbers we are unable to break the data down further without risk of the children being identified. We are exempting this information under s.40(2) please see refusal notice below.

Section 40 (2) FOIA exempts disclosure of information if such disclosure would contravene one of the data protection principles.

The first of the data protection principles requires that personal data is processed fairly and lawfully. It is our view that to disclose the withheld information would breach this principle, in particular, the requirement of fairness because the children have a reasonable expectation of privacy and do not expect that their personal information would be released in a response to a freedom of information request. This exemption is absolute and is not subject to the public interest test.

2. Of these cases, how many involve people whose NRM referral mentions them having enrolled at, been a student at, or gone missing from, a school or college in the UK? ('School' or 'college' or 'sixth form' appears in the NRM referral form, I have been told it is straightforward to search digitally). Again, break the numbers down by year, by male/female, and by minors or adults.

All 9 were enrolled at school and none had missing episodes.

3. Of these cases mentioned in question 2, please tell me the names of the schools or colleges mentioned in these forms. If you can't name a specific school or college for operational reasons, please explain what that reason is and for that school/college just tell me what type of school or college it is (independent, sixth form etc, and please make clear if it is private or state funded) and which county it is in.

I've purposely structured my request in such a way that it shouldn't come up against FOI clauses relating to data protection or demands on your resources (I've received guidance from the Information Commissioner's Office on this point to avoid wasting my / your time).

This information cannot be provided as per Section 40 (2) FOIA detailed in Question 1.

Because of the low numbers we are unable to break the data down further without risk of the children being identified. We are exempting this information under s.40(2) please see refusal notice below.

Section 40 (2) FOIA exempts disclosure of information if such disclosure would contravene one of the data protection principles.

The first of the data protection principles requires that personal data is processed fairly and lawfully. It is our view that to disclose the withheld information would breach this principle, in particular, the requirement of fairness because the children have a reasonable expectation of privacy and do not expect that their personal information would be released in a response to a freedom of information request. This exemption is absolute and is not subject to the public interest test.

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.

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.