



Assurance Group
London Borough of Barnet,
2 Bristol Avenue, Colindale,
London NW9 4EW
21 November 2019
Our ref: 5773768

Thank you for your request received on 6 November 2019, for the following information:

Hello: I would like to make the following request under the terms of the Freedom of Information Act:

What was the date on which the first payment of money lent by Barnet Council, via the PWLB, made to Saracens?

Please give me copies of the paperwork relating to this transaction.

What was the date on which there was a sign off by the Council's QS on the works paid for, and please give me copies of the paperwork relating to this approval.

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 and attached.

Hello: I would like to make the following request under the terms of the Freedom of Information Act:

What was the date on which the first payment of money lent by Barnet Council, via the PWLB, made to Saracens?

The first payment of £156,370.44 was on 14 March 2019 but at that point, no PWLB had taken place so the payment was paid from existing cash balances.

Please give me copies of the paperwork relating to this transaction.

Please see attached. The invoices for sub-contractors of Saracens have been withheld under s.43 (2) commercial Sensitivity. Please see formal refusal notice below.

What was the date on which there was a sign off by the Council's QS on the works paid for, and please give me copies of the paperwork relating to this approval.

No works were completed up to the point at which the first draw-down was paid – only various consultancy fees

Third party details have been redacted. We consider that the absolute exemption set out in Section 40 (Personal information) subsection 2 applies to some of the information requested. Therefore, we have decided to withhold that 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amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998.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 on-line 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 individuals working 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, especially as they are relatively junior and not in public facing roles. The council's redaction policy states that officers' names and contact details under the level of Assistant Director will generally not be released. All of the posts redacted are under the Assistant Director level.

Refusal Notice Section s.43 (2)

We consider that the qualified exemption set out in Section 43 (Prejudicial to commercial interests) subsection section 2 - disclosure would be likely to prejudice the commercial interests of the council or a third party (Saracens and their contractors and sub-contractors) and to harm their ability to negotiate the best deals) applies to the information requested. 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.

Factors in favour of disclosure

- Furthering the understanding and participation in the public debate of issues of the day

- Facilitate the accountability and transparency of public authorities for decisions taken
- Facilitate accountability and transparency in the spending of public money
- Allowing individuals to understand decisions made by public authorities affecting their lives and, in some cases assist individuals in challenging those decisions

Factors in favour of withholding

- Council and contractors position in a competitive environment, market sensitivity of information and potential usefulness to competitors
- Negative effect on competitiveness of Saracens and their contractors and sub-contractors if competitors were to have access to the information
- Need to obtain value for money

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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.