

21 January 2020

Our ref: 5906432

Thank you for your request received on 18 December 2019, for the following information:

### **Millbrook Park Phase 2 - Unapproved Planning Conditions**

**This Freedom of Information Act information request is filed to obtain all of the Barnet's communication related to the unapproved revisions to the Linden Homes Planning Permission for Millbrook Park Phase 2. The requested information includes but is not limited to:**

- \* All internal and external communication related to the physical variations to the approved plan which are normally subject to a review by Barnett London Borough under the applicable rules and regulations.**
- \* All communication related to Millbrook Park Phase 2 received from or sent to the Inglis Consortium.**
- \* All communication related to the Millbrook Park received from or sent to the design professional including, architects, engineers, urban planners, landscape architects, etc.**
- \* All communication related to Millbrook Park Phase 2 received from or sent to Linden Homes or any its subcontractors or consultants.**
- \* All communication related to the unapproved revisions to Millbrook Park's dedicated roadway - Charles Sevrigh Way sent to or received from the Highway Authority.**
- \* All communication related to Millbrook Park sent to or received from any members of the community.**

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 exception applies to some of the information requested in the recent email chain between the planning officer and the planning enforcement manager where it relates to the personal contact information of a member of the community.

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

Therefore, we have decided to withhold some of 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amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998.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](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.