



London Borough of Barnet,
2 Bristol Avenue,
Colindale,
London NW9 4EW
24 March 2020
Our ref: 6110288

Thank you for your request received on 21 February 2020, for the following information:

Please provide details of the number of tree related subsidence claims that have been brought against the London Borough of Barnet within both the EN5 2 postcode area and The Croft (EN5 2TN) between 1 June 2004 and 1 June 2014. For each claim please confirm:

- 1. The location of the tree either by house number (we are not asking for details of the affected property) or demonstrated on a map;**
- 2. The species of the implicated tree; and**
- 3. The date of the claim**

Pursuant to the Freedom of Information Act, please provide your responses within 20 working days.

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. The remaining information is not withheld and is below.

Please provide details of the number of tree related subsidence claims that have been brought against the London Borough of Barnet within both the EN5 2 postcode area and The Croft (EN5 2TN) between 1 June 2004 and 1 June 2014. For each claim please confirm:

- 1. The location of the tree either by house number (we are not asking for details of the affected property) or demonstrated on a map;***

See Refusal Notice below. We don't hold the details of the claims that are over six years old, only basic information such as date of claim, name of claimant and details of any settlement.

- 2. The species of the implicated tree; and***

We would not hold any information on the species of the tree. We would only be able to provide this information for a 3 month window from March 2014 to June 2014. However none of the claims fell in that timeframe so no information is held.

3. The date of the claim

13/09/2004

13/01/2006

11/07/2006

25/05/2010

01/12/2009

19/10/2010

25/07/2011

26/08/2011

19/09/2011

10/07/2012

01/10/2012

12/11/2012

16/09/2013

Refusal Notice

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

Therefore, we have decided to withhold 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.

For council staff add in: 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 an information rights 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.

For non staff personal info add in: the reasons why it is unfair in this case eg it would allow children to be identified/ it would allow planning complainants to be identified where they have complained expecting their details to be kept confidential.

Under EIR neither confirm nor deny is not available.

NOTE that icasework will ask you to give public interest factors for and against applying the exception. This is a system error. Reg 13 does not require a public interest test. Please delete this from the response.

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.