



Assurance Group
London Borough of Barnet,
2 Bristol Avenue, Colindale,
London NW9 4EW
24 March 2020
Our ref: 6117888

Thank you for your request received on 24 February 2020, for the following information:

1) In the last financial year (2018/19) how much money was paid as compensation for property damage and personal injury caused by potholes?

2) How many individual claims did this represent?

3) Please tell me the value of the biggest claim settled in 2018/19, and the location of the pothole that caused the incident. Please provide a brief description of the incident (e.g. cyclist fell off bike going over pothole and broke their leg)

Note: All questions relate to compensation paid in 2018/19 irrespective of when the injury/damage took place or when the claim was lodged. No details of costs and payments to solicitors are requested.

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.

The council holds the information requested and the answers to your questions are below

1) In the last financial year (2018/19) how much money was paid as compensation for property damage and personal injury caused by potholes?

£75009.75

2) How many individual claims did this represent?

84 individual claims

3) Please tell me the value of the biggest claim settled in 2018/19, and the location of the pothole that caused the incident. Please provide a brief

description of the incident (e.g. cyclist fell off bike going over pothole and broke their leg)

Largest individual settlement was £5,000 for damages. Located in NW9 0.
Description- Claimant suffered broken ankle, bruised knee and hip. Some details of the location and nature of description have been withheld as this could identify an individual.

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 the 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 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.