

21 May 2020
Our ref: 6304721

Thank you for your request received on 15 May 2020, for the following information:

1. How many Regulation of Investigative Powers Act 2000 (RIPA) Applications were submitted by council staff in 2017, 2018 and 2019?

2. How many council staff are currently trained to enable them to submit a Regulation of Investigative Powers Act 2000 (RIPA) Application?

3. What was your training budget in 2017, 2018, 2019 for Regulation of Investigative Powers Act 2000 (RIPA) Training?

4. Was any of your training budget made up by grants? If so, how much?

5. What training courses did you commission in 2018/2019 on the topic of Regulation of Investigative Powers Act 2000 (RIPA)?

- a. How many sessions of each course did you commission?**
- b. What was the price per course?**
- c. Who delivered each course?**
- d. What was the method of delivery (e.g. face or face, online etc.)**

6. What is the name of the councils Monitoring Officer?

a. What are their contact details?

7. What are the names of the councils Authorising Officers?

a. What are their contact details?

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/attached.

1. How many Regulation of Investigative Powers Act 2000 (RIPA) Applications were submitted by council staff in 2017, 2018 and 2019?

For 2017/18 and 2018/19 we are applying Schedule 21 - data is available by other means

For 2019/20 we are applying Schedule 22 - intended for future publication.

Please see below for more information about the exemptions.

2. How many council staff are currently trained to enable them to submit a Regulation of Investigative Powers Act 2000 (RIPA) Application?

Approximately 28 officers (from the Counter Fraud and Enforcement services) recently received training relating to RIPA applications

3. What was your training budget in 2017, 2018, 2019 for Regulation of Investigative Powers Act 2000 (RIPA) Training?

This information is not held. There is no specific amount allocated to RIPA training instead training budgets are used as appropriate

4. Was any of your training budget made up by grants? If so, how much?

None

5. What training courses did you commission in 2018/2019 on the topic of Regulation of Investigative Powers Act 2000 (RIPA)?

- a. How many sessions of each course did you commission?**
- b. What was the price per course?**
- c. Who delivered each course?**
- d. What was the method of delivery (e.g. face to face, online etc.)**

No RIPA training took place in 2018/19. The most recent training in relation to RIPA took place in 2019/20

6. What is the name of the council's Monitoring Officer?

a. What are their contact details?

Jessica Farmer jessica.farmer@harrow.gov.uk

7. What are the names of the council's Authorising Officers?

a. What are their contact details?

Clair Green, Director of Assurance, is an Authorising Officer (clair.green@barnet.gov.uk)

We are withholding the names and contact details of other Authorising Officers under Section 40 (2) of the Act (see below).

We consider that the absolute exemption set out in **Section 21** (Information accessible by other means) applies to the information requested because the information requested is already reasonably accessible elsewhere.

The data requested 2017/18 and 2018/19 can be found in the Corporate Anti-Fraud Teams Annual Report which are presented to the Meeting of the Council's Audit Committee in April/May.

Committee reports can be viewed at:

<https://barnet.moderngov.co.uk/ieListMeetings.aspx?Committeeld=144>

2019/20 data is to be included in the Corporate Anti-Fraud Team's Annual Report which will be included in Audit Committee papers in due course. We consider that the qualified exemption set out in **Section 22 subsection 2** (Information intended for future publication) 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.
- Promoting accountability and transparency by public authorities for decisions taken by them.
- Promoting accountability and transparency in the spending of public money.
- Allowing individuals, companies and other bodies to understand decisions made by public authorities affecting their lives.
- Bringing to light information affecting public health and safety.

Factors in favour of withholding

- It does not represent a cost effective use of the Council's resources.
- The diversion of resources that will be necessary in providing the information requested negatively impact on its ability to deliver its core functions
- Given the nature of the exemption in this case, i.e. that the exempted information is intended for future publication it is our opinion that none of these factors weigh in favour of the public interest in disclosing that information over maintaining the exemption as none of these factors would be prejudiced by waiting for the publication of the latest information

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

We consider that the absolute exemption set out in **Section 40 (Personal information) subsection 2** applies to 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.

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.

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.

