

8 June 2020
Our ref: 6294688

Thank you for your request received on 11 May 2020, for the following information:

Re: Planning Application Reference 20/0309/FUL Site: Land front of 2 Boltmore Close, London NW4 1EX

**Proposal: Erection of 2 storey dwelling with rooms in the roofspace .
Associated refuse/recycling and parking**

ACTION 1

Freedom of Information Act Request 1: Please confirm that all staff within London Borough of Barnet Council; its planning department and councillors on the planning committee who have had communication with Mr Raphael Weisz and Mrs Esther Weisz, 2 Boltmore Close, London NW4 1EX, and/or SZ Global UK Properties, and/or Brian Giandoni, BGA, 36 Herbert Street, Hemel Hempstead, HP2 5HW, including its employees, servants or agents either professionally on any planning applications, professionally on any planning group, committee or blog, or socially have made a declaration of interest and that the London Borough of Barnet Council's declaration of interest policy has been followed.

ACTION 2

Freedom of Information Act Request 2: Please provide copies of all correspondence in any form (e-mails, letters and telephone attendance notes) relating to the London Borough of Barnet Council or any land within the Parish boundary passing between Barnet Borough Council and Mr Raphael Weisz and Mrs Esther Weisz, 2 Boltmore Close, London NW4 1EX, and/or SZ Global UK Properties, and/or Brian Giandoni, BGA, 36 Herbert Street, Hemel Hempstead, HP2 5HW, including its employees, servants or agents.

We would like the above information to be provided to me as paper copies or be provided with an opportunity to view.

If this request is too wide or unclear, we would be grateful if you could contact me as we understand that under the Act, you are required to advise and assist requesters. If any of this information is already in the public domain, please can you direct us to it, with page references and URLs if necessary.

If the release of any of this information is prohibited on the grounds of breach of confidence, we ask that you supply us with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed.

We understand that you are required to respond to our request within the 20 working days after you receive this letter. We would be grateful if you could confirm in writing that you have received this request.

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 exceptions apply to some of the information requested.

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All Barnet Council members of staff have signed the staff code of conduct and the declaration of interest policy has been followed.

ACTION 2

Freedom of Information Act Request 2: Please provide copies of all correspondence in any form (e-mails, letters and telephone attendance notes) relating to the London Borough of Barnet Council or any land within the Parish boundary passing between Barnet Borough Council and Mr Raphael Weisz and Mrs Esther Weisz, 2 Boltmore Close, London NW4 1EX, and/or SZ Global UK Properties, and/or Brian Giandoni, BGA, 36 Herbert Street, Hemel Hempstead, HP2 5HW, including its employees, servants or agents.

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Jack Wride, Planner Hendon Area team has been in correspondence with Brian Giandoni of BGA.

Raphael Weisz has written to Jack Wride on 4 March 2020.

Brian Giandoni of BGA has been in correspondence with the Vetting and Registration Unit.

The Councillors who sit on the Hendon Area Planning Committee confirm that they have not received or sent any communications.

Please see attached.

We consider that regulation 13 (Personal information) applies to some of 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.

The 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.

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.