



London Borough of Barnet,  
2 Bristol Avenue,  
Colindale,  
London NW9 4EW  
15 July 2020  
Our ref: 6378052

Thank you for your request received on 22 June 2020, for the following information:

**Dear Madam or Sir,**

**I am making a Freedom of Information request to find out the answers to the below questions. Please provide your responses in electronic format. Thank you in advance for your time spent answering them.**

- \* Can I have your records pertaining to sales of personal data from 2019 and 2020, including trading partners and money earned from transactions**
- \* Do you use tracking cookies on your website, and can I have a list of third parties that you share personal data with?**
- \* Have you received any complaints about how you handle personal data? This includes collecting, storing, sharing or selling, as well as wider processing practices. Please can I view records pertaining to these complaints?**
- \* How many Subject access requests did you receive in the period 2017-2020, broken down by year? What types of personal data did they typically receive? For example email addresses, home address and telephone number?**

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 and attached.

***I am making a Freedom of Information request to find out the answers to the below questions. Please provide your responses in electronic format. Thank you in advance for your time spent answering them.***

- \* Can I have your records pertaining to sales of personal data from 2019 and 2020, including trading partners and money earned from transactions?***

After publishing a revised Register of Electors (1<sup>st</sup> December each year) the London Borough of Barnet is required to sell the register to organisations and individuals who are entitled to a copy of this upon request. Also, certain organisation may request to

purchase monthly updates of the register (January to September) which are also sold.

The Open Register can be bought by anyone and used for any purpose as you mentioned, we have had requests to purchase the open register this year. The overall total for sale of the Register for Electors in 2019 and 2020 was £8,340.20

***\* Do you use tracking cookies on your website, and can I have a list of third parties that you share personal data with?***

The Barnet council website does not use invasive tracking / advertising cookies. Visitors to the site are free to customise their cookie options and instructions have now been provided, browser by browser, on our privacy page, which is linked to from our cookie message.

***\* Have you received any complaints about how you handle personal data? This includes collecting, storing, sharing or selling, as well as wider processing practices. Please can I view records pertaining to these complaints?***

Yes, see attached.

Please note the Data Subject Rights spreadsheet lists where individual rights under the Data Protection Act 2018 are expressly exercised, the vast majority of requests for personal data rectification e.g, changing address, contact details are handled through line of business processes for updating details.

***\* How many Subject access requests did you receive in the period 2017-2020, broken down by year? What types of personal data did they typically receive? For example email addresses, home address and telephone number?***

<b>FY</b>	<b>Number of SARs received*</b>	<b>All Service Areas received SAR requests</b>
2016/2017	103	Most requests are answered electronically, the rest by post. All services receive SAR requests - Assurance, Environment, Family Services, Adults & Communities Services, Education Services, Commissioning, Re, CSG including HR
2017/2018	130	
2018/2019	186	
2019/2020	211	Persona data processed by each service area can be found here  <a href="http://www.barnet.gov.uk/privacy">www.barnet.gov.uk/privacy</a>

- To note not all SAR requests are logged centrally, for example separate processes exist for handling CCTV SAR requests and the majority of staff access to their own HR files are handled under a Business As Usual Process unless specifically requested under the Data Protection Act legislation

## **Refusal Notice Section 40(2)**

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.

[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](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.