

14 September 2020

Our ref: 6484605

Thank you for your request received on 7 August 2020, for the following information:

I am asking for you to provide all data and communications that held by you that reference any of the following between the dates of 1st March 2020 and 6th August 2020:

- * My name, xx (or any derivative, e.g. xxx, xxx, etc...)**
- * My property at which I reside, 7 Beech Walk**

This request covers all councillors and staff of Barnet Council as well as any agents of the council performing work on the council's behalf, specifically including Re (Regional Enterprise) Ltd and any of its directors and/or employees involved in the planning application at 9 Beech Walk.

This information may be found in (amongst others) the following locations:

- * Correspondence related to the planning application at 9 Beech Walk**
- * Any emails sent or received by councillors**
- * Any text, what's app or other communications between councillors**
- * Any (transcripts of) recordings of meetings or conversations involving councillors**
- * Any chat transcripts related to online meetings**

If you need any more information, please let me know as soon as possible. I would prefer to receive the information in both electronic and printed format.

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.

Please find attached

Mark Springthorpe presented the slides which are included to Cllr Ryde at his pre-committee briefing on the 15th July and to the sub-committee in the morning before the original meeting (24th June) and are attached. No further notes are held.

However, we consider that the following exceptions apply to some of the information requested.

We consider that Regulation 6(1)(b) applies to the information requested because the information requested is already publicly available and easily accessible.

This information on planning applications ref: 20/1622/HSE can be obtained on the planning portal, <https://www.barnet.gov.uk/planning-and-building/planning/find-and-comment-planning-applications>

Hendon Area Planning Committee - Wednesday 24th June, 2020 7.00 pm

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=722&MId=10566&Ver=4>

Planning Committee - Wednesday 22nd July, 2020 7.00 pm

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=703&MId=10128&Ver=4>

You can access the audio of each meeting at the top of the page, Virtual Meeting
[Click Here for audio](#)

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

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.

This is 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.

Please see attached

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.