



London Borough of Barnet,  
2 Bristol Avenue,  
Colindale,  
London NW9 4EW  
18 February 2021  
Our ref: 7000636

Thank you for your request received on 8 February 2021, for the following information:

**The Senior Site manager at the former NIMR (NW7 1AA) wrote to us on the 15th October 2020: "Barratt have obtained a Watercourse Consent License via LB Barnet to discharge at a reduced rate into the existing ditch. The water discharge continues to be controlled and measured as it leaves the boundary.**

**We formally requested a date evidenced copy of the licence referred to issued by Barnet or any other body/organisation allowing Barratts to discharge into a ditch on their Northern boundary feeding into Folly Brook. I**

**We were informed that London Borough of Barnet do not hold a copy.**

**We now formally request the Certificate of Authorization for Watercourse Consent no. LBC OWC 2018/01**

**Map Reference TQ526477 196499.**

We have processed this request under the Environmental Information Regulations 2004.

## **Response**

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

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Please see attached a copy of the OWC certificate as requested.

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

Therefore, we have decided to withhold some of the information where it relates to staff names.

**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amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998.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.

[For council staff add in:](#) 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.

[For non staff personal info add in:](#) the reasons why it is unfair in this case *eg it would allow children to be identified/ it would allow planning complainants to be identified where they have complained expecting their details to be kept confidential.*

[Under EIR neither confirm nor deny is not available.](#)

[NOTE that icasework will ask you to give public interest factors for and against applying the exception. This is a system error. Reg 13 does not require a public interest test. Please delete this from the response.](#)

## **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.