

19 February 2021
Our ref: 7011668

Thank you for your request received on 24 January 2021, for the following information:

As part of the new cycle lanes scheme, double yellow lines have appeared opposite East Finchley Station.

On Saturday 23rd at 9am two vehicles were parked outside the Newsagent on the double yellow lines.

A traffic warden ticketed one of the vehicles, a private car.

He did not ticket the other vehicle, a trade vehicle doing work for Barnet Council.

My Freedom of Information Request is

Is it legal for a trade vehicle doing work for Barnet Council to be exempt from the restrictions.

If so, please direct me to the legislation that permits this.

Photos of the 2 vehicles are attached.

Please also inform me if the private car ticket has been cancelled or not.

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.

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He did not ticket the other vehicle, a trade vehicle doing work for Barnet Council.

My Freedom of Information Request is

Q1 - Is it legal for a trade vehicle doing work for Barnet Council to be exempt from the restrictions.

Q2 - If so, please direct me to the legislation that permits this.

Photos of the 2 vehicles are attached.

Please also inform me if the private car ticket has been cancelled or not.

Q1 - A vehicle is permitted to park on a double yellow line if for example loading/unloading is taking place and is observed by a Civil Enforcement Officer. No information is recorded about the reason for the vehicle being parked at the location and therefore a specific exemption (if any applied) can not be stated.

Any exemption applied would be under the following legislation:

<https://www.legislation.gov.uk/ukpga/2004/18/contents>

Q2 - We consider that the absolute exemption set out in Section 40 (Personal information) subsection 2 applies to the information requested with regards to the vehicle in question not being registered to the requester of information. 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.

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.