



London Borough of Barnet,  
2 Bristol Avenue,  
Colindale,  
London NW9 4EW  
31 March 2021  
Our ref: 6972508

Thank you for your request received on 28 January 2021, for the following information:

**Please furnish me with**

- \* Any agreements or contracts between your council and Argenti related to social care.**
- \* Any & all data protection assessments, privacy assessments, and data sharing agreements relating to your council's use of Argenti products.**
- \* Any evaluations, audits, performance monitoring reports or similar related to your council's use of Argenti products.**

I look forward to your response by February 28th at the latest.

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/attached.

***\* Any agreements or contracts between your council and Argenti related to social care***

PA Consulting Services Ltd – Argenti is Council's contracted partner to supply, install and monitor telecare and tele-healthcare products. The services under this contract is offered to Barnet residents who meets the eligibility criteria under the Care Act.

The contract commenced 01.04.2017 and is due to expire on 31.03.2022.

Attached is the latest Change Control Note and 10 Parts to the contract held.

Some of the contract has been withheld, See refusal notice below

***\* Any & all data protection assessments, privacy assessments, and data sharing agreements relating to your council's use of Argenti products***

See attached. The PIA was provided by Argenti due to changes how Argenti staff were accessing client data because of home working in the pandemic. The council has undertaken due diligence with PA/Argenti and established the DP and security requirements in contract. In addition, LBB has a DPIA that covers all the relevant obligations and outcomes. This PIA is therefore an additional document and not a formal DPIA/PIA from LBB, but the situation was approved by the Data Protection Officer and the Caldicott Guardian

Some information has been withheld. See Refusal Notice below.

***\* Any evaluations, audits, performance monitoring reports or similar related to your council's use of Argenti products.:***

	<b>Year. Ended 31.03.2020</b>	<b>6 months ended 30.09.2020</b>
Referrals	1564	668
Installations	1408	550

<b>Service User Evaluation</b>	<b>Satisfaction Rate</b>
Overall satisfaction	92%
Satisfied with Telecare Centre	93%
Felt their safety and security had improved	97%
Has increased quality of life	87%
Would recommend to someone else	97%

## **Refusal Notice**

### **Section 31 - Law Enforcement**

This information is exempt from disclosure under Section 31(3) of the Freedom of Information Act 2000. Section 31 of the FOIA relates to Law Enforcement, and Section 31(3) removes the public authority's duty to confirm or deny whether information is held if to do so would, or would be likely to prejudice law enforcement.

It is the council's view that the confirmation or denial of the possession of information relating to the council's cyber resilience, would be likely to compromise the council's information security strategies by giving cyber criminals insight into vulnerabilities which may, or may not, exist.

Section 31(3) is a qualified exemption, as such we have gone on to perform a public interest test in order to assess the public interest arguments for and against declaring whether or not the requested information is held.

### **For Disclosure:**

- Confirmation of possession would demonstrate a commitment to transparency with regard to the council's undertakings, and could provide assurance that the council's contractors have robust IT protections in place

## **Against Disclosure:**

- Maintaining the integrity and security of the council's systems
- Preventing cyber-attacks and similar against the council systems.
- Revealing whether or not the information requested is held or applicable to London Borough of Barnet's contractors equipment would be likely to offer cyber criminals insight into not only the strengths of the council's cyber security , but also any potential weaknesses that may exist. This could ultimately result in a future cyberattack.
- One of the reasons that cyber security measures are in place is to protect the integrity of personal and sensitive personal information.
- It is clear to see how the occurrence of a future cyber-attack would prejudice the council's legal duty to safeguard personal information from loss, theft, inappropriate access or destruction, which is why Section 31 has been employed in this case.

On balance the public interest in maintaining the exemption outweighs that in confirming or denying whether information is held and therefore the council neither confirms nor denies whether this information is held.

## **Section 43 – Commercial interest**

We have concluded that this information is exempt under section 43(2) of the Freedom of Information Act 2000 (FOIA) because the disclosure of this information would be prejudicial to the London Borough of Barnet's and partners commercial interests. This is a qualified exemption and the public interest test applies

We have considered the public interest the disclosure of this information. These factors include the importance of transparency in the decision making process relating to the spending of public money to ensure that procurement processes are conducted in an open and honest way. It is also important for the public to see taxpayers' money being used effectively and public authorities getting value for money.

We have also considered the public interest in withholding this information. If disclosed, there is a strong risk that the Council's bargaining position for the future will be prejudiced and commercial organisations may become reluctant to enter into further free and frank negotiations. This would undermine the Council's ability to fulfil its role effectively and prevent it from achieving the value for money that is so important.

For these reasons we consider that the public interest in withholding the information outweighs the public interest in disclosure.

## **Section 44 – Prohibitions in disclosure**

We consider that Section 44(1)(a) (Prohibitions on disclosure) provides an exemption from disclosure of information where the Public Authority holding it is prohibited by or under any other enactment, in this instance Public Contract Regulations.

Section 44 is an absolute exemption and therefore the information will not be supplied to you.

## **Section 40(2) – Personal data**

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](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.