



London Borough of Barnet,  
2 Bristol Avenue, Colindale,  
London NW9 4EW

18 May 2021

Our ref: 7289632

Thank you for your request received on 29 April 2021, for the following information:

**It is a matter of public interest to see the proof of your claim now that there was a contract in place that ran continuously from 2013 until 2019, by coincidence the year I made the original request. It is my understanding that the original contract was much shorter.**

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 attached.

***It is a matter of public interest to see the proof of your claim now that there was a contract in place that ran continuously from 2013 until 2019, by coincidence the year I made the original request. It is my understanding that the original contract was much shorter.***

The contract ran from 2013 to 2018 and was then extended for a further year by mutual agreement. Attached is a redacted version of the contract with a redacted email confirming the extension. The redactions were made because of commercial sensitivity and because they contain personal data.

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designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998.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

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.

We consider that the qualified exemption set out in Section 43 (Prejudicial to commercial interests) subsection 2 applies to the information requested. Therefore, we have decided to withhold the information.

In applying this exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.

#### **Factors in favour of disclosure**

- The council's commitment to transparency.
- Legitimate public interest in the expenditure, income, and contracts
- Residents should be able to understand what income is received by the Council from putting up signs in the Borough and whether this represents value for money and these have now been released for a separate FOI request following an Internal Review

#### **Factors in favour of withholding**

- A fresh contract has not been entered into and discussions were halted by Covid and need to be completed.
- Premature and ad hoc disclosure of specific contract clauses would be highly likely to prejudice and harm those discussions and the interests of all parties.

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### **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.