

11 June 2021
Our ref: 7360521

Thank you for your request received on 20 May 2021, for the following information:

**An FOI request was made on the 4th of August. (6479106 reference number)
One of the responses was an image
(https://www.whatdotheyknow.com/request/682006/response/1632266/attach/html/3/foiextract20210408-21849-1fxcp-4_1.png) in it said "Dear Mr Springthorpe Thank you for your email. I note that you are effectively giving the applicant an unlimited time to respond to your requests for further information/documentation before determining their application. If the situation should change and you are going to impose a time limit please would you let me know when that decision is to be taken and what it is to be.**

You kindly confirmed in our conversation on the 7th May that from now on you will keep me apprised of the conversations and correspondence you have with the applicant and please do so shortly after having them."

How is it that the planning application had an unlimited time period (please provide proof?) Who is Mr Springthorpe?

Why was the sent section in the email retracted (please provide proof?) Is it possible to confirm who the retracted part of the document is for example but not limited to: part of Barnet, the developer, a person objecting to the application?

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

Response

**An FOI request was made on the 4th of August. (6479106 reference number)
One of the responses was an image
(https://www.whatdotheyknow.com/request/682006/response/1632266/attach/html/3/foiextract20210408-21849-1fxcp-4_1.png) in it said "Dear Mr Springthorpe Thank you for your email. I note that you are effectively giving the applicant an unlimited time to respond to your requests for further information/documentation before determining their application. If the situation should change and you are going to impose a time limit please would you let me know when that decision is to be taken and what it is to be.**

You kindly confirmed in our conversation on the 7th May that from now on you

will keep me apprised of the conversations and correspondence you have with the applicant and please do so shortly after having them."

How is it that the planning application had an unlimited time period (please provide proof?)

The LPA had not given the applicant 'unlimited time' as such. A planning application can be determined at any time (as long as the responsibilities for consultation have been fulfilled). However, once it has gone beyond the statutory expiry date the Applicant *could* choose to appeal against non-determination – which acts as an incentive for the LPA. In the main, applications that go beyond the statutory expiry date tend to be subject to ongoing negotiation/amendment and/or re-consultation – as in this case.

Who is Mr Springthorpe?

Mr Springthorpe is the Planning Manager for the Hendon Area Team

Why was the sent section in the email retracted (please provide proof?) Is it possible to confirm who the retracted part of the document is for example but not limited to: part of Barnet, the developer, a person objecting to the application?

The documents you refer to can be located here

www.whatdotheyknow.com/request/682006/response/1632266/attach/html/3/6479106%20Attachment%20Email%202020%2005%2021%20Redacted.pdf.pdf.html

I can confirm that the names of junior officers or email addresses that are not in the public domain have been redacted as per our Redaction Standard.

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.

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.