

11 June 2021
Our ref: 7312894

Thank you for your request received on 13 May 2021, for the following information:

Please see below four requests supported by local residents and organisations including the Mill Hill Preservation Society.

ACTION 1

Freedom of Information Act request 1: Please confirm that all staff within London Borough of Barnet; its planning department and councillors on the planning committee who have had communication with Mr Mark Alper and/or Marsfields Limited, Marstead Living Limited, Marstead Mill Limited, Marstead Peak Limited, Alt Equities Limited, MKT LDN Limited, including its employees, servants or agents either professionally on the Barnet Local Plan or other planning applications, professionally on any planning group, committee or blog, or socially have made a declaration of interest and that the London Borough of Barnet's declaration of interest policy has been followed.

ACTION 2

Freedom of Information Act request 2: Please provide copies of all correspondence in any form (e-mails, letters and telephone attendance notes) relating to the Barnet Local Plan or any land within the Mill Hill Ward boundary passing between London Borough of Barnet and Mr Mark Alper and/or Marsfields Limited, Marstead Living Limited, Marstead Mill Limited, Marstead Peak Limited, Alt Equities Limited, MKT LDN Limited including its employees, servants or agents.

ACTION 3

Freedom of Information Act request 4: Please confirm that all staff within London Borough of Barnet; its planning department and councillors on the planning committee who have had communication with the International Bible Students Association, including its officers, trustees, employees, servants or agents either professionally on the Barnet Local Plan or other planning applications, professionally on any planning group, committee or blog, or socially have made a declaration of interest and that the London Borough of Barnet's declaration of interest policy has been followed.

ACTION 4

Freedom of Information Act request 4: Please provide copies of all correspondence in any form (e-mails, letters and telephone attendance notes) relating to the Barnet Local Plan or any land within the Mill Hill Ward boundary

passing between London Borough of Barnet and the International Bible Students Association, including its officers, trustees, employees, servants or agents.

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

Response

I confirm we hold information in relation to your request

Refusal Notice

R12(5)(e) industrial information commercial in confidence/ R12(5)(f) Interests of the person who supplied information

The information being withheld relates to sensitive commercial information that has been submitted to the Council on a confidential and voluntary basis. The party who submitted that information to the Council has not consented to its disclosure. The Council considers that disclosure of the withheld information would, or would be likely to, adversely affect legitimate economic interests of third parties. As such, the Council considers that the exception R12(5)(f) applies to the withheld information. I have considered whether the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Factors in favour of disclosure

- There is a clear public interest in the work of local government being closely examined to encourage the discharging of public functions in the most efficient and effective way
- There is an important public interest in the work of public bodies being transparent and open to scrutiny to increase diligence and to protect the public purse
- There is a public interest in public authorities being accountable for their decision making.
- The Council is mindful of its responsibilities to be open with information on the development scheme and will publish details of formal planning application scheme on its website.

Factors in favour of withholding

- Releasing sensitive commercial information could prejudice the Council's future negotiation capabilities and reduce confidence third parties have with the Council in order to facilitate the decision making process. Both the Council and the third party would be reluctant to have free and frank discussions if all that is discussed is subject to scrutiny with no safe space for 'confidential communications', the requested information may prejudice pending or future discussions which would be detrimental to the Council or the third party.
- Disclosure would erode trust in the Council's ability to protect the confidentiality of information prior to the determination of any future planning application. The public interest in withholding the requested information outweighs the public interest in disclosure of the requested information and this information cannot be supplied to you.

Refusal Notice - Regulation 13 (Personal data)

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. details in response to an information rights request.

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.