



London Borough of Barnet,
2 Bristol Avenue,
Colindale,
London NW9 4EW
8 July 2021
Our ref: 7391212

Thank you for your request received on 10 June 2021, for the following information:

**This is a request for information under the Freedom of Information Act 2000.
My request relates to the death of Melanie Smith who set herself on fire at
Barnet House in 2018.**

I would like to request the following information.

**An inquest report into the death of Melanie Smith
Any reports on lessons learnt that were circulated with the team assigned to
her case at Barnet House**

**Any information pertaining to her mental health support provided by Barnet
Council**

Please provide the information in an electronic format.

**If it is not possible to provide the information requested due to the information
exceeding the cost of compliance limits, please provide advice and assistance
as to how I can refine my request.**

**I look forward to receiving your response within 20 working days. If you need
any further clarification, please do not hesitate to contact me.**

We have processed this request under the Freedom of Information Act 2000.

Response

This is a joint response on behalf of the London Borough of Barnet and Barnet Homes.

I can confirm that we hold some of 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.

An inquest report into the death of Melanie Smith

Information not held. The North London Coroners Service covers 5 boroughs (Brent, Barnet, Haringey, Enfield & Harrow) and is run on behalf of all the local authorities by

the London Borough of Haringey. This information would be held by the coroner's office not the council. Contact admin.beh@hmc-northlondon.co.uk

Any reports on lessons learnt that were circulated with the team assigned to her case at Barnet House

Police were called by the London Ambulance Service to Barnet House, High Road N20 at around 15:44hrs on Wednesday, 15 August 2018 after reports of a female suffering from burns injuries.

Officers attended with the London Ambulance Service and the London Fire Brigade.

A lessons learnt exercise regarding the security arrangements at Barnet House at the time, and changes were made as a result of the incident. See Refusal Notice below.

See Refusal Notice below.

Any information pertaining to her mental health support provided by Barnet Council

Ms Smith was known to a number of Council and Barnet Homes services at the time of the incident in 2018. Any information pertaining to her mental health support provided by Barnet Council would not be disclosable because, while Ms Smith is deceased, release of details surrounding her personal circumstances would likely cause distress and detriment to her family and friends. See Refusal Notice below.

Refusal Notice - Section 38 (Health & Safety)

We consider that the qualified exemption set out in Section 38 (Health and safety) subsection a and b applies to the information requested. Therefore, we have decided to withhold the information.

This information is held by the London Borough of Barnet. However, the information is being withheld on the basis that its disclosure to the public generally would be likely to endanger the physical or mental health and safety of individuals within the Council estate. We have therefore concluded that the information requested is exempt information as provided by section 38(1) (a) and (b) of the Freedom of Information Act 2000 (FOIA). This exemption is qualified by the public interest test.

We have considered the public interest the disclosure of this information. There is a public interest that the Council should operate in a transparent and accountable manner.

Section 38(1)(a) protects information whose disclosure could endanger physical and mental health or the safety of any individual. It is our view that disclosure of the information obtained in confidence with the deceased would have a detrimental effect upon the physical or mental health of any members of deceased family and friends and that is more than trivial or insignificant.

There is also a countervailing public interest that the health and safety of those who work in or visit the Council should be protected. Section 38(1)(b) protects information that would endanger the safety of any individual. Disclosing details of operation of building security and health and safety matters would put our service users and staff at risk. In turn, the disclosure of the information you seek would prejudice our ability to protect that health and safety. In all the circumstances of the case it is our view that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Refusal Notice 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.

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.