London Borough of Barnet
2 Bristol Avenue,
Colindale,
London, NW9 4EW
20 October 2021
Our ref: 7685684

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

Dear Sir/Madame,
Please send me copies of all correspondence in relation to Planning enforcement cases for 21 Edrick Road, Edgware, HA8 9HY.

Please include all Letters sent by the council and the property owner or representatives response and evidence.

Thank you

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

Response

I can confirm that London Borough of Barnet holds the information you requested.

However, we believe that the exceptions detailed below apply to all of this information and this is withheld.   Please see the Refusal Notice below.

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Please send me copies of all correspondence in relation to Planning enforcement cases for 21 Edrick Road, Edgware, HA8 9HY.

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R13 - Personal data

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designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998.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

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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.

R12(5)(b) The course of justice, fair trial or inquiry of a criminal or disciplinary nature

We consider that regulation 12(5)(b) (The course of justice) applies to the information requested because we consider that disclosure of the information requested would adversely affect the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature.

The information requested relates to a live planning enforcement case that has a planning enforcement notice on it with a final decision still to be determined.

Therefore, we have decided to withhold the information.

In applying this exception, 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 public have an interest in promoting openness, transparency and debate in local government
- Disclosure of the requested information would allow the public to satisfy themselves that matters were being dealt with appropriately and lawfully
- Disclosure would allow the public to better understand the decision which has been made and would allow the authority to be held to account

Factors in favour of withholding

- Release of the requested information before the decision has been on the made on the case would be likely to compromise these proceedings
- Disclosure would prejudice the way the London Borough of Barnet conducts investigations and any other matter it has a duty to investigate

In all the circumstances of the case, the public interest in maintaining the exception 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

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 Records & Information Management Service, Assurance Group, 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.