

London Borough of Barnet
2 Bristol Avenue,
Colindale NW9 4EW
23 May 2022
Our ref: 8235596

Thank you for your request received on 21 April 2022, for the following information:

Open Infra Ltd have applied to Ofcom for Code Powers to install FTP (Fibre to property) in areas controlled by Barnet Council.

Barnet Council representatives have attended residents meetings in Mill Hill along with staff/consultants under the auspices of Open Infra Ltd promoting the services of Open Infra Ltd.

I request to see all communications, including but not restricted to, notes, email, letters, contracts, tenders, meetings with Open Infra and agents/consultants. I also wish to have dates of meetings between Barnet Council staff and/or Council members and Open Infra Ltd staff/agents with information about who attended, agendas and minutes of these meetings.

The Freedom of Information Act 2000 (FOIA) S10 (1) allows for 20 working days from receipt of this request to comply, allowing for Bank Holidays, that means the request is due 20 May 2022.

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 believe that the exemptions detailed below apply to some/all of this information and this is withheld. Please see the Refusal Notice below.

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from receipt of this request to comply, allowing for Bank Holidays, that means the request is due 20 May 2022.

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

However, we believe that the exemptions detailed below apply to some of this information where this relates to residential properties and this is withheld. Please see the Refusal Notice below.

The London Borough of Barnet cannot supply all the information you have requested for the reasons set out below.

In relation to this particular request, the following exemptions apply;

Refusal Notice

Section 43 – Commercial interests

We have concluded that this information is exempt under section 43(2) of the Freedom of Information Act 2000 (FOIA) because the disclosure of this information would be prejudicial to the London Borough of Barnet's and partners commercial interests. This is a qualified exemption and the public interest test applies. We have considered the public interest the disclosure of this information. These factors include the importance of transparency in the decision-making process relating to the spending of public money to ensure that procurement processes are conducted in an open and honest way. It is also important for the public to see taxpayers' money being used effectively and public authorities getting value for money.

We have also considered the public interest in withholding this information. If disclosed, there is a strong risk that the Council's bargaining position for the future will be prejudiced and commercial organisations may become reluctant to enter into further free and frank negotiations. This would undermine the Council's ability to fulfil its role effectively and prevent it from achieving the value for money that is so important.

For these reasons we consider that the public interest in withholding the information outweighs the public interest in disclosure.

Section 40 (2) identification of junior employees

We have also redacted the names of two individuals from the attached document by virtue of section 40 (2) of the Freedom of Information Act 2000 (FOIA), as disclosure of this information to the public generally, in the Council's view, would not be consistent with the data protection principle found in Article 5.1(a) of the General Data Protection Regulation (GDPR) lawfully, transparently and fairly. We have considered whether disclosure is lawful and fair and whilst it may be lawful under Article 6.1(f) GDPR (legitimate interests) it would not be fair to the individuals concerned who would not expect the names of junior employees to be disclosed as part of such a 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 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.