

London Borough of Barnet
2 Bristol Avenue,
Colindale NW9 4EW
4 July 2022
Our ref: 8250731

Thank you for your request received on 5 May 2022, for the following information:

Barnet Council are requested to provide emails, meeting and other notes relating to Fringecrown Limited between 2017 and 2021.

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

Response

I can confirm that the council holds the information you requested. However we are withholding the information because we consider that the following exemptions apply to it.

Barnet Council are requested to provide emails, meeting and other notes relating to Fringecrown Limited between 2017 and 2021.

S12 - Cost limit (Exceeds Appropriate Limit)

We are refusing your request under section 12 because we estimate that compliance with your request will exceed the "appropriate limit" under section 12. The appropriate limit is £450 which is equivalent to 18 hours at £25 per hour. The per hour figure is set by Regulation rather than actual salary paid to any officers handling requests. The appropriate limit includes the time it will take the council to discover if it holds the information requested, to locate it, extract it and collate it as well as putting it into any particular format requested by the requester.

We have calculated that it will take upwards to 30 hours the estimated time to collate the relevant information to comply with your request. Our calculation is as follows:

The records we hold are in electronic format. We have carried out a high level search individual records were not opened and reviewed for the above search - a manual assessment it is estimated that it would take on average 10-15mins to review each item.

Advice and Assistance

Unfortunately, we are unable to suggest ways to narrow your request to bring the request under 18 hours.

S42 - Legal Professional Privilege

I can confirm that the council holds information related to your request. However, I am sorry that your request is not being met on this occasion. In accordance with Section 17 of the Freedom of Information Act 2000 this is a refusal letter.

We consider that exemption Section 42(1) (Legal Professional Advice and Litigation Privilege) applies to this request on the basis that some of the requested information is subject to legal professional advice and litigation privilege as it involves communications which contains legal advice for the authority and the communication is made for the sole or dominant purpose of obtaining legal advice.

Factors in favour of disclosing

- Facilitate the accountability and transparency of public authorities for decisions taken
- Facilitate accountability and transparency in the spending of public money
- Interest in the Authority's ability to represent the wider interests in an appropriate manner.

Factors in favour of withholding

There is an initial weighting in favour of maintaining the exception due to the importance of the concept behind Legal Professional Privilege, namely safeguarding the right of any person to obtain free and frank advice which goes to serve the wider administration of justice. It is important that public authorities be allowed to conduct a free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion except in the clearest case. Having weighed the factors both for and against disclosure it is my judgment that the public interest will not be served by disclosing the information requested as detailed above.

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.