

London Borough of Barnet
2 Bristol Avenue
Colindale, NW9 4EW
7 July 2022
Our ref: 8310488

Thank you for your request received on 9 June 2022, for the following information:

I would like to submit a Freedom of Information Act Request to view the objections raised to the crossover application 13933 at [Address redacted N3 1].

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.

I would like to submit a Freedom of Information Act Request to view the objections raised to the crossover application 13933 at [Address redacted N3 1].

Refusal Notice

R13 – Personal data

We have withheld copies of the objection letter(s) received by virtue of Regulation 13 of the Environmental Information regulations 2004, 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 of objection letters 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 their written comments to the Council's consultation on the crossover to be released.

We consider that regulation 13 (Personal information) applies to the information requested.

Therefore, we have decided to withhold the information.

R12 (4)(d) - Material which is still in the course of completion, to unfinished documents or to incomplete data

In addition, the crossover application is an unfinished process. Release of details of any objection(s) received before a decision on the crossover application is made could give a misleading and inaccurate picture.

In relation to the public interest test, these factors are that the decision making processes of public functions should be transparent and open to scrutiny in order to inform the public debate. The EIRs are in place to ensure public access to environmental information and releasing information. The process of the crossover application hasn't been completed yet, and we cannot provide a response until the applicant has been advised of the outcome. In providing this information ahead of the Council's formal decision would present a risk of misinformation with no clear advantage to the public interest.

Further Advice and Assistance. I can advise that once a decision has been made and the applicant informed we will be able to give you a high level summary of the nature of the objections received and we will be in a position release this to you.

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.