

London Borough of Barnet
2 Bristol Avenue
Colindale NW9 4EW
4 August 2022
Our ref: 8330445

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

Emails, meeting and other notes relating to Fringecrown Limited

I have narrowed down my previous request ref: 8250731. Barnet Council are requested to provide emails, meeting and other notes relating to Fringecrown Limited in 2020 and 2021. Please do not include correspondence with the solicitors.

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.

Emails, meeting and other notes relating to Fringecrown Limited

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See attached.

Some information has been withheld, see refusal notice below.

Refusal Notice

S30 - Investigations and proceedings conducted by public authorities

We consider that the qualified exemption set out in Section 30 (Investigations and proceedings conducted by public authorities) applies. The first part of this exemption covers particular criminal investigations and proceedings and the second part provides protection to information about confidential sources

As Section 30 is a qualified exemption, we are also required to decide, on a case by case basis, whether the public interest in maintaining this exemption outweighs the public interest in its disclosure.

We consider that the qualified exemption set out in Section 30 (Investigations) subsection 1(a) applies to the information requested which relates to an ongoing investigation into damage to the Highway.

The main acts for this aspect of Highway Damage are the:

- 1980 Highways Act; and
- 2013 London Local Authorities & Transport for London Act.

Therefore, we have decided to withhold the information.

In applying this exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.

The public interest means what is in the best interests of the public not what is of interest to the public.

Factors in favour of disclosure

- Furthering the understanding and participation in the public debate of issues of the day.
- Promoting accountability and transparency by public authorities for decisions taken by them.
- Promoting accountability and transparency in the spending of public money.
- Allowing individuals, companies and other bodies to understand decisions made by public authorities affecting their lives.
- Bringing to light information affecting public health and safety.

Factors in favour of withholding

- There is a very strong public interest in protecting the law enforcement capabilities of public authorities.
- Increasing the possibility of crime is not in the public interest.
- There is no wider public interest to be obtained in disclosing the information.

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest until the investigation has been resolved. Therefore, the information is not provided to you

S 40 (2) General

Section 40 (2) identification of junior employees and personal contact details

We have also redacted the names of junior individuals and contact details 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.