

2 Bristol Avenue, Colindale, NW9 4EW

30 August 2022  
Our ref: 8351949

Thank you for your request received on 1 August 2022, for the following information:

**Could you please provide a copy of minutes, notes, correspondence and any other recorded information relating to Highways reference number : 11003005 / 11006595**

**This request does not require the divulging of information subject to Regulation 13 (such as email addresses, names and full address) - these can be redacted.**

**If you apply S12 of the Act to this request, please provide:**

**1. a list of relevant documents you hold 2. a calculation as to how the cost limits were breached 3. advice on how to narrow the request down so as not to breach these limits on a subsequent request**

**Questions made under the EIR Act 2004 should be answered without the need for additional identity checks of the person asking the question**

**If you choose to withhold under any other section, in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all non-exempt material. I reserve the right to appeal your decision to withhold any information or to charge excessive fees.**

**I would prefer to receive the information electronically in the form of a .pdf, where possible.**

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 of this information and this is withheld. Please see the Refusal Notice below.

***Could you please provide a copy of minutes, notes, correspondence and any other recorded information relating to Highways reference number : 11003005 / 11006595***

***This request does not require the divulging of information subject to Regulation 13 (such as email addresses, names and full address) - these can be redacted.***

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***1. a list of relevant documents you hold 2. a calculation as to how the cost limits were breached 3. advice on how to narrow the request down so as not to breach these limits on a subsequent request***

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***I would prefer to receive the information electronically in the form of a .pdf, where possible.***

***Please refer to the attached correspondence and spreadsheet.***

## **Refusal Notice Section 40(2)**

### **S40(2) identification of junior employees**

We have also redacted the names of individuals 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.

## **Refusal Notice Section 40(2)**

[Part 1 of Schedule 19](#) of the Data Protection Act 2018 amends the personal data exemption under section 40 of the Freedom of Information Act 2000(FOI). 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 FOI request.

Personal Information is governed by the Data Protection Act 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.

Because individuals working for the council have a reasonable expectation of privacy and do not expect that the council would disclose their names or contact details in response to a freedom of information request, especially as they are relatively junior and not in public facing roles. The council's redaction policy states that officers' names and contact details under the level of Assistant Director will generally not be released. All of the posts redacted are under the Assistant Director level.

This is not an absolute exemption and requires a public test to be performed. We have considered our obligation to keep the public aware of such activities; however, this legitimate interest is outweighed by the risk of the prejudice that might arise in relation to the legitimate privacy interests of individuals whose personal data might be identified. Therefore, we have concluded that the exemption should be maintained in order to protect privacy of data subjects.

### **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](http://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](mailto: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](http://www.ico.org.uk)). There is no charge for making an appeal.