

London Borough of Barnet  
2 Bristol Avenue,  
Colindale,  
London, NW9 4EW  
17 January 2023  
Our ref: 8911136

Thank you for your request received on 22 December 2022, for the following information:

### **Request for information under the Freedom of Information Act 2000**

**You are the owner and/or controller of a Hornbeam tree (the Tree) situated near 138 Fitzjohn Avenue, Barnet, EN5 2HP (the Property).**

**Pursuant to the Freedom of Information Act 2000 and the Environmental Information Regulations**

**2004, we request that you provide the following information and documentation:**

- 1) Your tree policy and tree strategy applicable to the Tree;**
- 2) Details of your inspection and maintenance records for the Tree between 2008 and August 2018;**
- 3) A full list of complaints, claims and public enquiries relating to trees and vegetation under your ownership and control situated within the EN5 2 area, including the Tree, between 2008 and August 2018;**
- 4) All documentary evidence and relevant information relating to the removal of trees and vegetation under your ownership and control, proactively due to subsidence concerns, subsidence complaints and/or subsidence claims, for the Property, and the Surrounding Postcode Area, between 2008 and August 2018.**

**We enclose a site plan image to assist you with our request (within this site plan the Tree is labelled as 'T1').**

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.

***Request for information under the Freedom of Information Act 2000***

***You are the owner and/or controller of a Hornbeam tree (the Tree) situated near 138 Fitzjohn***

***Avenue, Barnet, EN5 2HP (the Property).***

***Pursuant to the Freedom of Information Act 2000 and the Environmental Information Regulations***

***2004, we request that you provide the following information and documentation:***

***1) Your tree policy and tree strategy applicable to the Tree;***

Please see the attached Policy in place since 2017 and prior to 2017 (Tree Policy 2017 and Policy\_1995).

***2) Details of your inspection and maintenance records for the Tree between 2008 and August 2018;***

Please see the attached works history of the tree ('Single tree (454408) - Works History').

***3) A full list of complaints, claims and public enquiries relating to trees and vegetation under your ownership and control situated within the EN5 2 area, including the Tree, between 2008 and August 2018;***

Please see the attached complaints report. Personal details that would identify the claimant have been removed. Please see Refusal Notice Section 40(2) below.

Please find attached a list of claims our response to Q3. We have not included any details such as location of the tree, as that would identify the claimant. Please see Refusal Notice Section 40(2) below.

***4) All documentary evidence and relevant information relating to the removal of trees and vegetation under your ownership and control, proactively due to subsidence concerns, subsidence complaints and/or subsidence claims, for the Property, and the Surrounding Postcode Area, between 2008 and August 2018. We enclose a site plan image to assist you with our request (within this site plan the Tree is labelled as 'T1').***

Please see the attached list of trees from our data system (Ezytreev - 'Underhill Subsidence Fells 2008 to August 2018') that were felled for subsidence reasons in the time frame requested.

***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.

### **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.