



Derry City & Strabane
District Council

Comhairle
Chathair Dhoire &
Cheantar an tSratha Báin

Derry Cittie & Strabane
Destrict Council

Ref: FOI / 1415

07 September 2017

Mr
Email: @gmail.com

Dear Mr

Freedom of Information Act 2000 Request Staff queries

I refer to your FOI request as above.

The Information requested by you can be found in the attached document. I would advise however that Council has obligations to protect the personal information of individuals under the Data Protection Act and Council have therefore applied an exemption on disclosure of information which we feel is the personal information of individuals who could be identified.

The Council believes that any detailed information would be personal data as defined by Section 1(1) of the Data Protection Act (DPA) as it relates to an identifiable individual. Therefore the information you requested is personal data as described in section 40(2)(a) of the FOIA.

Article 40(2) of the FOIA covers the position where the disclosure of personal data of Third parties, in compliance with a request, would breach any of the principles in the Data Protection Act.

The only principle which is likely to be relevant is the first principle, wherein the public authority can only disclose the personal data if to do so would be fair, lawful and meet one of the conditions in Schedule 2 of the DPA.

In assessing firstly the disclosure would be fair, Council has looked at:

- 1) the reasonable expectations of the individuals in respect of whom the redactions have been made, taking into account their expectations at the time when the information was gathered, and the circumstances in which the data was obtained;
- 2) the FOIA principles of transparency and accountability;

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- 3) whether there is a legitimate interest in the public or requester having access to the information and the balance between this and the rights and freedoms of data subjects.

Therefore we have to consider whether it would be fair to disclose the information to the public, especially in light of the fact that the information is disclosed to the wider public not just the specific requester. In short, would it be fair on the individuals in question to disclose their personal information. We do not feel that the individuals in question would reasonably expect their information to be disclosed in this way and therefore it would be unfair on them to do so.

By disclosing this information the Council risks being in breach of the first principle of the Data Protection Act and therefore the exemption provided by Section 40(2) of the Freedom of Information Act is engaged. If we were to go on and consider the conditions for processing held in Schedule 2, the only ones relevant in this case which potentially could be met would be the first condition and the sixth condition which is:

- the data subject has given his consent to the processing, or
- there is a legitimate interest in disclosure to the public or the requester and disclosure into the public domain is necessary to meet that interest and it does not cause unwarranted harm to the data subject's interests.

The key consideration here is whether the disclosure is necessary and it would be Council's view in the present case that the disclosure would be unnecessary.

If you are dissatisfied with our response you have rights of review and appeal; these rights consist of two review processes. Firstly our internal review procedure is available by contacting:

John Kelpie
Chief Executive
Derry City and Strabane District Council
98 Strand Road
Derry BT48 7NN Tel 028 71253253 or email john.kelpie@derrystrabane.com

Secondly, you can appeal directly by contacting the Information Commissioner at:
Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF Tel: 0303 123 1113 (local rate) or email: casework@ico.org.uk

Yours sincerely

Lead HR Officer

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