



Derry City & Strabane
District Council

Comhairle
Chathair Dhoire &
Cheantar an tSraitha Báin

Derry Cittie & Strabane
Destrack Cooncil

Ref: FOI / 1441

28 September 2017

Mr
Email: @tbij.com

Dear Mr

**Freedom of Information Act 2000 Request Expenditure incurred by the council
2016/17 financial year:**

I refer to your FOI request as above. I can confirm that the requested information is held by Derry City and Strabane District Council. Please see attached in response.

I would advise however that Council considers some information to be exempt under the FOI Act under Article 40(2) and names have therefore been omitted from the document. Please treat this as a refusal notice for the relevant exemptions applied.

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.

40 (2) Any information to which a request for information relates is also exempt information if:

- (a) It constitutes personal data which do not fall within subsection (1), and
- (b) Either the first or the second condition below is satisfied.

Having determined that the information is personal data we then considered whether any disclosure would breach any of the data protection principles in respect of section 40(3)(a)(i) detailed below,

40 (3) The first condition is –

- (a) in a case where the information falls within any of the paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene
- (i) any of the data protection principles,

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The first principle in the Data Protection Act states:

- "1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless,
(a) at least one of the conditions in Schedule 2 is met."

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.

Therefore 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) and (3) 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:

"6. The data subject has given his consent to the processing."

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 Finance Officer

Enc

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