



Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSratha Báin
Derry Cittie & Stràbane
Destricks Council

Ref: FOI / 1368

13 September 2017

Ms
VICE
New North Place
London
EC2A 4JA

Email: request-419077-2cd6fcb5@whatdotheyknow.com

Dear Ms

Freedom of Information Act 2000 Request Overseas Trips

I refer to your FOI request and can inform the information requested is held by Derry City and Strabane District Council. I would advise however that the attached information is in part-response to your request.

Request:

- The date and duration of the overseas trip, as well as the country/city that was visited
- The full name, title and position of the council official who went on the overseas trip
- The reason or reasons why the council official went on the overseas trip
- The cost of the overseas trip (please provide a breakdown of travel costs, accommodation costs and expenses)
- Please state whether the council met the costs of the overseas trip, or whether an individual, group, company, consortium, charity or another organisation met the costs.
- Please provide the full name of the individual, group, company, charity or organisation that met the costs. If it is a group or consortium, please state who or what composes the group or consortium.

As you are aware, Section 12(1) of the FOIA contains a provision which allows a public authority to refuse to comply with a request for information where the cost of compliance is estimated to exceed a set limit known as the appropriate limit. For local authorities, this limit is set at £450 - The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244 refers. Council deem that due to the nature of our coding system, in order to provide you with a breakdown of travel costs, accommodation costs and expenses, this exercise would require manually going through all individual officer expense claims which would require significant additional work and in Council's estimation

Derry

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info@derrystrabane.com
www.derrystrabane.com

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would take in excess of the appropriate limit to complete this work. Council therefore exempt this information.

I would also advise 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;
- 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 lower-ranked 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.

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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@derrystرابane.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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