



# HILLINGDON

LONDON

Mr Andrews  
request-14070-f81f1516@whatdotheyknow.com

## BY EMAIL

Our Ref: 3E/04/RI/FOI/1362

6<sup>th</sup> April 2010

Dear Mr Andrews

I am writing further to Ms Soni's email dated the 11<sup>th</sup> September 2010 regarding your Freedom of Information request about 'blacklists'. Please accept our apologies for the delay in providing a response to this matter which is due to a heavy workload.

As I understand it you were requesting:

- 1. Publication of any blacklists which the council may operate.**
- 2. This would include (but not exclusive to) - serial complainers - violent/aggressive/abusive persons - troublemakers - campaigners/activists**
- 3. I would also request information on the distribution/circulation of these lists.**

The Council has already confirmed that it operates a 'Restricted Persons Register'. The purpose of this register is to provide information to Council employees on individuals who pose a risk to the Health & Safety of Council employees in the course of their duties. This register is not distributed outside of the Council and Council employees only have limited 'need to know' access to this register. The Council's Restricted Persons register is compliant with the Data Protection Act 1998 and follows the Information Commissioners guidance on Violent Warning Markers

Legal Services  
Deputy Chief Executive's Office  
T.01895 556923 F.01895 250784 / 01895 250233  
ringle@hillington.gov.uk www.hillingdon.gov.uk  
London Borough of Hillingdon,  
3E/04, Civic Centre, High Street, Uxbridge, UB8 1UW, DX 45101 UXBRIDGE  
*Rajesh Alagh (Borough Solicitor) - LL.B (Hons), Dip.L.G.*

**Lexcel**  
Practice Management Standard  
Law Society Accredited



INVESTOR IN PEOPLE

I note that you have requested publication of this register. I am interpreting this as a request for the contents of the Councils Restricted Persons List. The Council will not be complying with this aspect of your request as we are of the opinion that one more of the Freedom of Information Exemptions applies to this information.

#### Personal Data – S40 (2) of the Freedom of Information Act 2000

We are of the view that the contents of the list comprise of sensitive personal data and that this information is exempt under S40 (2) of the Freedom of Information Act 2000. This states that information is exempt if disclosure would breach any of the Data Protection Principles. In this instance we are of the opinion that disclosure would breach Principle 1 of the Data Protection Act 1998. This requires that personal data shall be processed 'fairly and lawfully and that an appropriate condition for processing is satisfied.

In regards to the 'sensitive personal data' contained in the list it is necessary to satisfy a condition for processing from Schedule 3 of the Data Protection Act 1998. We are of the view that no Schedule 3 condition is met. In regards to personal data that is not 'sensitive' we are of the view that no schedule 2 condition is met as there is no legitimate public interest in the disclosure of this information and that disclosure is unwarranted because it would have an excessive or disproportionate adverse effect on the legitimate interests of the individual(s) concerned. If an individual wishes to know what information is recorded about them on our Restricted Persons Register then they are fully entitled to make a subject access request under S7 of the Data Protection Act 1998.

Furthermore, we are of the view that disclosure would be 'unfair' as individuals have not been informed that information about them contained on our restricted persons register would be disclosed pursuant to an FOI request and that such a disclosure would be beyond their 'reasonable expectations.

#### Health & Safety – S38 of the Freedom of Information Act 2000

S38 (1) (b) states that information is exempt if disclosure of the information would, or would be likely to, endanger the safety of any individual. As the purpose of the Restricted Persons Register is to protect members of staff we are of the opinion that publication of the contents of the register would have undermine its effectiveness and increase the risk that members of staff would be subject to violent and abusive behaviour.

We have considered the public interest in relation to this matter and although we recognise that there is a strong public interest in promoting transparency, accountability and participation in public authorities. However, the fact that disclosure may be of interest to the public does not mean that disclosure is in the public interest. We are of the view that the public interest in enabling public servants being able to undertake their duties safely is

stronger in this instance. Therefore we are satisfied that the public interest is in favour of the information being withheld in this instance.

If you are not satisfied with our response you should put your complaint in writing to:

Principal Corporate Lawyer, Legal Services, Civic Centre, High St, Uxbridge, UB8 1UW (or via email to [foi@hillingdon.gov.uk](mailto:foi@hillingdon.gov.uk) marked for the attention of the Principal Corporate Lawyer).

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely

Richard Ingle  
**Data Protection &  
Freedom of Information Officer**