



Date: 14th September 2009
Our ref: RFI 566
Your ref: 16996-69cb46bc

Mr David Jones
By email: request-16996-69cb46bc@whatdotheyknow.com

Block B
Government Buildings
Whittington Road
Worcester
WR5 2LQ

Dear Mr Jones

ENVIRONMENTAL INFORMATION REGULATIONS 2004 - PARTIAL RELEASE – RFI 566

Thank you for your request for information about heritage management plans which we received on 14 August 2009. Your request has been considered under the Environmental Information Regulations 2004 (The Regulations). You confirmed that you refer to the heritage management plans that are mentioned on this page of our website, <http://www.naturalengland.org.uk/ourwork/landscape/protection/historiccultural/heritagelandscapes/default.aspx>.

We have over 130 management plans for conditionally exempt properties. Some properties have two plans – an original plan and an updated plan. Some plans are large documents, comprising multiple volumes that include appendices such as listed building descriptions etc. Due to the volume of information, we did try to contact you to discuss narrowing your request. We did not receive a reply and so we have selected a range of plans that we can supply within the timeframe allowed in the Regulations.

The timeframe allowed by Natural England is 18 hours work. We needed to go through each plan to remove any personal information. This takes time – on average approximately one hour per plan, slightly more for longer plans. Therefore we have decided to provide copies of 17 heritage management plans to you. These plans have been sent today to the postal address you provided.

We have selected plans that represent the range of plans across England ie

- at least one from every rural region;
- different size and type of properties;
- old and modern plans (1994 – 2009).

Please note that some plans were prepared many years ago ie before the current guidance on preparing management plans was published.

Personal information is being withheld as this falls under the exception in Regulation 13 of the Environmental Information Regulations 2004 which relates to personal information where the information does not relate to an incident and if released would contravene any of the data protection principles.

The names, contact details, finances and security of private individuals are considered by Natural England to be personal information as defined by the Data Protection Act 1998.

The First Data Protection Principle says that personal data 'shall be processed fairly and lawfully'. Guidance published by the Information Commissioner, 'Freedom of Information Act 2000, Awareness Guidance No 1', states that when considering fairness, the following questions should be taken into account.

- Would the disclosure cause unnecessary or unjustified distress or damage to the person who the information is about?
- Would the third party expect that his or her information might be disclosed to others?
- Had the person been led to believe that his or her information would be kept secret?
- Has the third party expressly refused consent to disclosure of the information?

When names and contact details and other personal sensitive information are collected from individuals by Natural England we do not inform them that the information will remain confidential or that it may be released, however, we believe that there is an expectation of confidentiality.

The release of names or contact details or financial or security information and any subsequent contact, may cause unnecessary or unjustified distress or damage to the individuals if released, and they have a reasonable expectation of confidence.

Natural England is therefore satisfied, that the information requested fits the definition of personal data and that its release would be 'unfair' under the meaning of the first Data Protection Principle and should not be released.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, please contact me and I will arrange for a colleague to complete an internal review. Under Regulation 11(2) this needs to be done no later than 40 working days after the date of this letter.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Natural England. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 01625 545 700, www.ico.gov.uk.

Yours sincerely,

Darren Green
Delivery Leader - Information Access and Security