

7 April 2010

Royal Mail Group

Mr Houston

By Email: request-30287-16b04dfx@xxxxxxxxxxxxxxxxxxx

Freedom of Information Unit
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Dear Mr Houston

Re: Freedom of Information Request

I am writing in response to your request for information which was submitted online on 7th March 2010. We have considered your request under the terms of the Freedom of Information Act 2000. You requested the following information:

"I wish to be supplied, under the freedom of information act, details of all bonus payments made to all managers, acting managers & directors within the RG postal area on the payroll, from 1 Jan 2006 to Dec 2009."

"For the purpose of this request I would like to clarify that a bonus payment is a payment over and above normal monthly salary costs and doesn't just relate to payments made under your 'bonus' code on any payroll systems. It should also include any payments made under 'basic pay' which could have been used in error for the payment."

Although we do hold the information requested, I am unable to provide you with a list of job titles; the specific amounts received by each individual, or the dates that payments to individuals were made. This is on the basis that the individual's concerned could be identified and disclosure of their personal data would breach data protection principles under the terms of the Data Protection Act. This information is therefore considered to be exempt from disclosure under section 40(2) of the Freedom of Information Act.

Section 40(7) of the Freedom of Information Act confirms that the relevant definition of personal data is that set out in section 1(1) of the Data Protection Act:

"personal data" means data which relate to a living individual who can be identified—

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(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

The Information Commissioner's Office guidance document – *'Data Protection Technical Guidance, Determining what is personal data'*, states that there will be many cases where data is not in itself personal data but, in certain circumstances, it will become personal data where it can be linked to an individual to provide particular information about that individual.

The same document also refers to the European Data Protection Directive (95/46/EC) in relation to organisations, particularly those responding to Freedom of Information requests, who need to decide whether or not, in disclosing information that does not directly identify individuals, they are still disclosing personal data where there is a reasonable chance that those who may receive the data will be able to identify individuals. The Directive states that *"personal data shall mean any information relating to an identified or identifiable natural person ...; an identifiable person is one who can be identified, directly or indirectly..."*.

The ICO guidance is clear that this definition suggests that an organisation would be disclosing personal data where it releases information which can be linked to particular individuals. We believe that information, if broken down as requested, could be linked to the individual employees to who bonus payments were paid. We do not believe that there is any legitimate public interest in the disclosure of this information – for example, the individuals concerned do not hold very senior management positions within Royal Mail Group. We believe that disclosure would therefore cause unwarranted intrusion into the individuals' private affairs. Consequently, we believe that Section 40 (2) of the Act is engaged on the basis that the first condition in Section 40 (3) (a) (i) of the Act applies. Section 40 is an absolute exemption in this regard and the public interest test under the FOI Act does not apply.

I am sorry that we cannot provide the information that you requested on this occasion. If for any reason you are not satisfied with this response, you do have the right to request a review. If you wish to do so please set out in writing your grounds of appeal and send to the Head of Information Compliance, Royal Mail Group, Company Secretary's Office, 100 Victoria Embankment, LONDON, EC4Y 0HQ. An internal panel will then review the request, and you will be advised of the outcome.

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If, having requested an internal review by Royal Mail, you are still not satisfied with our response you also have a right of appeal to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700
www.informationcommissioner.gov.uk

Yours Sincerely

Kate Fearn
Freedom of Information Officer
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