

25 May 2010

**Royal Mail Group**

Mr Houston

Email: request-30287-16b04df0@whatdotheyknow.com

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Dear Mr Houston

**Re: Freedom of Information Act - Internal Review**

I am writing in response to your email dated 26<sup>th</sup> April 2010 in which you requested a review of Royal Mail Group's response to your request for information dated 7<sup>th</sup> March 2010. Royal Mail Group has reviewed this request in line with its obligations under the Freedom of Information Act and I am writing to inform you of the outcome of this review.

In your request you asked for 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."*

In our reply dated 7<sup>th</sup> April 2010, Kate Fearn confirmed that this information was held by Royal Mail but was considered to be exempt from disclosure under section 40(2) of the Freedom of Information Act.

In your request for an internal review of this decision you indicated that you could see no valid reason why Royal Mail Group had not disclosed this information. Royal Mail Group's internal review panel has reviewed this request and agreed that the information requested in your email of the 7<sup>th</sup> March 2010 is covered by section 40(2) of the FOIA. Section 40 protects personal data, linked with the Data Protection Act 1998; information must not be released where to do so would breach any of the data protection principles. Information is exempt from disclosure if it is personal data and to release it would contravene any of the data protection principles set out in the Data Protection Act 1998.

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We believe that the details of bonus payments that you have requested are the personal data of identifiable individuals. We believe that the release of this information into the public domain would breach the principle of fair and lawful processing. It is only in cases where the public interest considerations outweigh the interests of the data subject that personal data can be processed with a view to disclosure. The review panel felt that disclosure of this information would cause unwarranted prejudice to the individuals concerned. The employees covered by this request do not occupy senior positions within Royal Mail's management structure or make policy decisions within Royal Mail. These members of staff would have a reasonable expectation that this information would not be released into the public domain. The review panel agreed that Section 40 (2) FOIA applies on the basis that the first condition in Section 40 (3) (a) (i) of the FOIA applies. Section 40 is an absolute exemption in this regard and the public interest test under the FOI Act does not apply. The review panel was satisfied therefore, that the information which you requested should continue to be withheld.

In your request for an internal review, you wrote that you would be happy to accept information without job titles included. The review panel considered your original request in which job titles were requested. If you wish to submit a new request for information, we will of course consider that request under the terms of the Freedom of Information Act. It may be possible to provide anonymous data, for example by providing the number of payments within broad bands, without details of specific payments to individuals. However, any new request would need full and careful consideration to ensure that no personal data was wrongly disclosed. If you wish to submit a new request for information, please contact me directly or write to us using the contact details shown above.

I apologise that the information you requested cannot be provided but hope that this response suitably explains our reasons for withholding this data. In the event that you are not satisfied with this reply, you also have a right to appeal to the Information Commissioner who can be contacted at the following address:

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

Cont...

Yours sincerely

Colin Young  
Freedom of Information Manager  
Company Secretary's Office