

25th June 2010

Our ref: RFI #765

Your ref:



request-34608-e498fb21@whatdotheyknow.com

Block 3
Government Buildings
Burghill Road
Westbury on Trym
Bristol
BS10 6NJ

T 0300 060 1312
F 0845 601 3438

Dear Mr Griffiths

Access to Information Request – Partial release – RFI #765

Thank you for your request for information contained in your email which we received on 27th May 2010. Your request has been carefully considered under the Environmental Information Regulations 2004.

A copy of the information is enclosed – as per your clarification of the 2nd June 2010, we have provided:

- The name and address of the ecologist
- The name and address of the client
- The name of the site

We have started with the latest applications we have and worked back chronologically until 18 hours staff time has been spent locating and extracting the information.

Some of the information you requested is being withheld as it falls under the exception in Regulation 13 of the Environmental Information Regulations 2004 which relates to 3rd party personal information of which the applicant is not the data subject.

The names and contact details 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 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 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 Lyndon Baker, Natural England, Block 3 Government Buildings, Burghill Road, Westbury on Trym, Bristol, BS10 6NJ. 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.

If you have any queries about this letter, please contact me.

Yours sincerely

Lucien Bennett

European Protected Species Specialist
Wildlife Licencing Unit
Regulatory Services and Access