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| Mr Peter Morgan | ICT Client Unit (ICU)Customer Transformation and Communications Services Information TeamResources Department7th Floor, Zone BBernard Weatherill House8 Mint WalkCroydon, CR0 1EA |
| **SENT BY EMAIL** |

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| --- |
| Information@croydon.gov.ukOur Ref: F/CRT/10008631 Date: 01 December 2017 |

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Dear Mr Morgan

**Environmental Information Regulations Request**

Your request has been considered under the provisions of the Environmental Information Regulations 2004. Specifically, you have requested the following information:

**Dear Croydon Borough Council,**

**Thank you for your reply of 19 Oct 2017 to my FOI sent to you on 7 Jun 2017.**

**I now ask for an Internal Review into this, with further questions as below.**

**ORIGINAL FOI SENT 7 June 2017:**

**1    How many comments / complaints / objections were received about this Area 3+4+5 20mph scheme during the period between the announcement on 5-12-16 of the 12-12-16 Cabinet decision to change the method of consultation, and the end of 11-1-17?**

**List please of date + time of each.**

**2    Which organisations made such comments / complaints / objections - notably about the change in method of consultation - and when?**

**List please of each with date + time + note if not about above change.**

**3    Mike Barton stated that there was no need for these to be resubmitted as part of the formal consultation, saying "let's count them all - why not".**

**Why then does the published spreadsheet only record objections from 12-1-17?**

**4    As also covered by the FOI Request below, I need to know the time that each objection was received.**

**That makes it fairly easy to match an objection sent with its entry in the council spreadsheet.**

**Please supply me a copy of the spreadsheet with the time added.**

**5    How many emails in total did the council receive to the OBJECTIONS email address:**

**A    before the start of 12-1-17**

**B    after the start of 12-1-17 and at or before 2359 on 15-2-17**

**C    after that time?**

**6    How many objections were received after the end of 15-2-17, and so rejected by the council?**

**Were these considered for content and reason for late submission?**

**List of date and time of each required please, with reason for rejection.**

**7    The council was adamant that no objections received after 15-2-17 would be accepted, other than allowing a couple of days for pasted items.**

**Why then are there 115 after 20-2-17 -**

**38 dated 21-1-17,**

**9 later in Feb,**

**9 dated 8 or 9-3-17,**

**9 dated 14 or 15-3-17,**

**23 on 20 or 21-3-17,**

**16 on 22-3-17, and**

**11 on 23 or 24-3-17?**

**8    How many emails requesting information about this Area 3+4+5 scheme were received, and how many of these were sent replies during periods:**

**5-12-16 to 11-1-17,**

**12-1-17 to 15-2-17,**

**15-2-17 to 1-5-17?**

**List of date and time of each Inbox + relevant Sent entry required please.**

**NOTE - if the council was conducting a genuine professional consultation exercise, and keeping proper records then the above should be easy and quick to provide.**

**Lists should be in XLS (not XLSX) spreadsheet format.**

**\*\***

**COUNCIL REPLY SENT 4 MONTHS LATER ON 19 Oct 2017**

**Dear Mr Morgan**

**Environmental Information Regulations**

**Your request has been considered under the provisions of the Freedom of Information Act. Please accept our apologies for the delay and for withdrawing this originally without consulting you in the first instance. For ease of reference, I will answer each question in turn:**

**Q1. - Comments / complaints / objections were received about this Area 3+4+5 20mph scheme during the period between the announcement on 5-12-16 of the 12-12-16 Cabinet decision to change the method of consultation, and the end of 11-1-17?  List please of date + time of each.**

**A1 -     21 representations were received in relation to the 20mph speed limit proposed in areas 3, 4 and 5 between 5/12/2016 and 11/01/2017, 1 of which was a EIR/FOI request. The total number of individuals who submitted comments/complaints or objections was 10 between 05/12/2016 and**

**11/01/2017.**

**Q2.  - Which organisations made such comments / complaints / objections - notably about the change in method of consultation - and when?**

**List please of each with date + time + note if not about above change.**

**A2. - They were two organisations that submitted comments or objections in respect to the change in method of consultation process of the proposed 20mph speed limit in areas 3, 4 and 5. The names of the organisations cannot be provided as this could potentially lead to the revealing of identities.  Withholding of personal data in this way as defined by Regulation 12 (3) and 13 of the Environmental Information Regulations.**

**Regulation 12(3) says:**

**(3) To the extent that the information requested includes personal data which the applicant is not the data subject shall not be disclosed otherwise than in accordance with regulation 13 Regulation 13 says:**

**13 – (1) To the extent that the information requested includes personal data to which the applicant is not the data subject and as respects which either the first or second condition is satisfied.**

**Q3. - Mike Barton stated that there was no need for these to be resubmitted as part of the formal consultation, saying "let's count them all - why not".**

**Why then does the published spreadsheet only record objections from 12-1-17?**

**A3. - The objections that were sent between 05/12/2017 and 11/01/2017 were included in the final analysis and were recorded in the publish spreadsheet. They were resubmitted by LBC staff.**

**Q4. -  As also covered by the FOI Request below, I need to know the time that each objection was received.**

**A4. - The council does not hold this data in xls format as this was not needed for the analysis of the consultation results. This exercise has not been conducted as we are not expected to create information that we do not hold for the purpose of an EIR/FOI request.**

**That makes it fairly easy to match an objection sent with its entry in the council spreadsheet. Please supply me a copy of the spreadsheet with the time added.**

**Q5. - How many emails in total did the council receive to the OBJECTIONS email address:**

**Q5A.-  Before the start of 12-1-17**

**A5A. - None as the email inbox was not opened to the public before 12/01/2017.**

**Q5B. - After the start of 12-1-17 and at or before 2359 on 15-2-17**

**A5B. - In total the council received 3346 responses during this period which 3242 were against 20 mph speed limit and 104 emails in favour of 20mph speed limit.**

**Q5C. - After that time?**

**A5C. - 262 objections were received**

**Q6.-  How many objections were received after the end of 15-2-17, and so rejected by the council?  Were these considered for content and reason for late submission?  List of date and time of each required please, with reason for rejection.**

**A6. - 262 objections were received by the council after the closing date of which 147 were rejected.  The council does not hold this data in xls format as this was not needed for the analysis of the consultation results. This exercise has not been conducted as we are not expected to create information that we do not hold for the purpose of an EIR/FOI request.**

**Q7.- The council was adamant that no objections received after 15-2-17 would be accepted, other than allowing a couple of days for pasted items.**

**Why then are there 115 after 20-2-17 -**

**38 dated 21-1-17,**

**9 later in Feb,**

**9 dated 8 or 9-3-17,**

**9 dated 14 or 15-3-17,**

**23 on 20 or 21-3-17,**

**16 on 22-3-17, and**

**11 on 23 or 24-3-17?**

**A7. - The closing date of the 20mph speed limit consultation was on midnight 15th February 2017. All emails received up until 00:02am on Thursday 16 February 2017 were considered in the results. All paper copies of objections received up until 20th February 2017 were considered.  The figures below refer mainly to scanned copies of objections received within the consultation period but forwarded to the objections email inbox after the closing date. The exception to this are 16 emails received on 22/03/17 which were part of a number of emails blocked by our ICT system due to the complexity of the characters used in the subject lines.**

**Q8. - How many emails requesting information about this Area 3+4+5 scheme were received, and how many of these were sent replies during periods:**

**Q8A. - 5-12-16 to 11-1-17?**

**A8A. - As stated above, the council received 21 responses in total related to the 20 mph speed limit. These objections were sent to the Highway engineer responsible for this scheme.**

**Q8B. - 12-1-17 to 15-2-17?**

**A8B. - During this period, there were 3,346 representations sent to the objections email box and 3,325 acknowledgements sent thereafter.**

**Q8C. - 15-2-17 to 1-5-17?**

**A8C. - During this period the council received 262 emails to the objections email inbox but the figure of the sent replies cannot be provided.  Most of the emails which were received after this period were acknowledged by automatic system reply set up by our ICT team. However this system does not hold the information of sent replies.**

**If you are dissatisfied with the way the Council has handled your request under the Freedom of Information Act, you may ask for an internal review.**

**This should be submitted to us within 40 working days of this response.  You can do this by outlining the details of your complaint by:**

**Email:** **information@croydon.gov.uk**

**Writing: Information Team**

**London Borough of Croydon**

**Bernard Weatherill House**

**7 Floor - Zone B**

**8 Mint Walk**

**Croydon CR0 1EA**

**Any requests received after the 40 working day time limit will be considered only at the discretion of the council.**

**If you are not content with the outcome of the internal review, you have the right to apply directly 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**

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**FURTHER QUESTIONS via INTERNAL REVIEW**

**Q1. - Comments / complaints / objections were received about this Area 3+4+5 20mph scheme during the period between the announcement on 5-12-16 of the 12-12-16 Cabinet decision to change the method of consultation, and the end of 11-1-17?  List please of date + time of each.**

**A1 -     21 representations were received in relation to the 20mph speed limit proposed in areas 3, 4 and 5 between 5/12/2016 and 11/01/2017, 1 of which was a EIR/FOI request. The total number of individuals who submitted comments/complaints or objections was 10 between 05/12/2016 and 11/01/2017.**

**Q1F. - The FOI asked for the "date + time of each".**

**This has been ignored.**

**As there were only 21, it cannot be sonorous to provide this information.**

**Please do so.**

**Please also clarify where the 20 that were not the EIR / FOI Request  were supporting or opposing the scheme.**

**For the EIR / FOI, please provide its text and the council reply.**

**Q2.  - Which organisations made such comments / complaints / objections - notably about the change in method of consultation - and when?**

**List please of each with date + time + note if not about above change.**

**A2. - They were two organisations that submitted comments or objections in respect to the change in method of consultation process of the proposed 20mph speed limit in areas 3, 4 and 5. The names of the organisations cannot be provided as this could potentially lead to the revealing of identities.  Withholding of personal data in this way as defined by Regulation 12 (3) and 13 of the Environmental Information Regulations.**

**Regulation 12(3) says:**

**(3) To the extent that the information requested includes personal data which the applicant is not the data subject shall not be disclosed otherwise than in accordance with regulation 13 Regulation 13 says:**

**13 – (1) To the extent that the information requested includes personal data to which the applicant is not the data subject and as respects which either the first or second condition is satisfied.**

**Q2F. - The FOI asked for the "date + time of each".**

**This has been ignored.**

**As there were only 2, it cannot be sonorous to provide this information.**

**Providing this cannot impact on identities etc.**

**Please do so.**

**It is hard to see how disclosing that for example Old Coulsdon Residents Association "submitted comments or objections" could "potentially lead to the revealing of identities".**

**The organisation will by definition have a number of people who might write on its behalf, notably the chairman and the secretary.**

**Then it is surely fanciful to suggest that an organisation that objects to a scheme could object to its name being disclosed.**

**It is in fact routine to NAME organisations in committee reports - see Planning and Traffic Agendas.**

**Consider the TMAC 11 Oct 2017, page 65, where there is a summary of the views of 4 RA’s, and the actual text is quoted in full, for example on pages 91-93.**

**TMAC agenda document here -** [**http://bit.ly/2yTUQj2**](http://bit.ly/2yTUQj2)**.**

**Why does the crucial apply a different approach here - if not to conceal the true level and extent of objections to its 20mph scheme?**

**The ICO guidance on §12 and §13 states here:**

[**http://bit.ly/2zg6l3E**](http://bit.ly/2zg6l3E)

**"The most common reason for refusing to provide third party personal information is that it would be unfair to the individual concerned. Regulation 12(3) is not subject to the public interest test. However, some public interest considerations are relevant when deciding whether you can disclose third party personal data in accordance with regulation 13."**

**There is a clear public interest in knowing which organisations made such objections.  After all they act in the name of their members.**

**As the name of the person who wrote on its behalf is not being requested, it cannot be unfair to that person to disclose the name of the organisation.**

**In addition, the council could easily write to the 2 groups concerned and ask if they  object to the name of the group being disclosed.**

**Please review this refusal and provide what is asked for.**

**Q3. - Mike Barton stated that there was no need for these to be resubmitted as part of the formal consultation, saying "let's count them all - why not".**

**Why then does the published spreadsheet only record objections from 12-1-17?**

**A3. - The objections that were sent between 05/12/2017 and 11/01/2017 were included in the final analysis and were recorded in the publish spreadsheet. They were resubmitted by LBC staff.**

**Q3F- Please confirm the date in the spreadsheet of each, and the relevant row numbers.**

**Q4. -  As also covered by the FOI Request below, I need to know the time that each objection was received.**

**A4. - The council does not hold this data in xls format as this was not needed for the analysis of the consultation results. This exercise has not been conducted as we are not expected to create information that we do not hold for the purpose of an EIR/FOI request.**

**Q4. (cont) -  That makes it fairly easy to match an objection sent with its entry in the council spreadsheet. Please supply me a copy of the spreadsheet with the time added.**

**Q4F.- The council, is not being asked to "create information ".**

**It already has the time of each objection in its Inbox.**

**All it is being asked to do is to provide that information.**

**The council is under a duty to assist.**

**As below, it is not onerous to provide this in the format requested.**

**For the email objections, the council has an Inbox where all were received.**

**The Inbox will contain at least:**

**SUBJECT**

**SENDER NAME**

**SENDER EMAIL**

**DATE**

**TIME**

**The council can easily create an XLS spreadsheet with those columns from the Inbox.**

**Then it is simple to remove the sender name, and replace the full email address with the email domain.**

[**http://bit.ly/2rxQXs8**](http://bit.ly/2rxQXs8)

[**https://exceljet.net/formula/get-domain-**](https://exceljet.net/formula/get-domain-)**...**

**Q5. - How many emails in total did the council receive to the OBJECTIONS email address:**

**Q5A.-  Before the start of 12-1-17**

**A5A. - None as the email inbox was not opened to the public before 12/01/2017.**

**Q5FA. - Thank you**

**Q5B. - After the start of 12-1-17 and at or before 2359 on 15-2-17**

**A5B. - In total the council received 3346 responses during this period which 3242 were against 20 mph speed limit and 104 emails in favour of 20mph speed limit.**

**Q5FB. - The only means of email contact the council offend for this 20mph consultation was the "OBJECTIONS email address".**

**Quite apart from formal objections, there must have been a number of enquirers / requests for information about the scheme.**

**Is the council saying there were none to this email address?**

**If so, how many such emails were there to other council email address?**

**Q5C. - After that time?**

**A5C. - 262 objections were received**

**Q5FC. - Again, is the council saying there were no subsequent email enquiries to the Objections email address?**

**If so, how many such emails were there to other council email address?**

**It is known that some emails were sent more than once after 15 Feb 2017.**

**The question asked for the number of emails, not the number of objections.**

**Please clarify this.**

**How does the council know how many objections were received after 15 Feb 2017, when it put an autoresponder telling objectors that the consultation was now closed?**

**Q6.-  How many objections were received after the end of 15-2-17, and so rejected by the council?  Were these considered for content and reason for late submission?  List of date and time of each required please, with reason for rejection.**

**A6. - 262 objections were received by the council after the closing date of which 147 were rejected.  The council does not hold this data in xls format as this was not needed for the analysis of the consultation results. This exercise has not been conducted as we are not expected to create information that we do not hold for the purpose of an EIR/FOI request.**

**Q6F. - This FOI asked for a list with date and time of each rejected objection, together with the reason.**

**It also asked how it was decided whether to reject each late objection.**

**This has not been answered.**

**Please now state clearly the reason that each of these 147 was rejected, and why the otter 115 were accepted.**

**Q7.- The council was adamant that no objections received after 15-2-17 would be accepted, other than allowing a couple of days for pasted items.**

**Why then are there 115 after 20-2-17 -**

**38 dated 21-1-17,**

**9 later in Feb,**

**9 dated 8 or 9-3-17,**

**9 dated 14 or 15-3-17,**

**23 on 20 or 21-3-17,**

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**A7. - The closing date of the 20mph speed limit consultation was on midnight 15th February 2017. All emails received up until 00:02am on Thursday 16 February 2017 were considered in the results. All paper copies of objections received up until 20th February 2017 were considered.  The figures below refer mainly to scanned copies of objections received within the consultation period but forwarded to the objections email inbox after the closing date. The exception to this are 16 emails received on 22/03/17 which were part of a number of emails blocked by our ICT system due to the complexity of the characters used in the subject lines.**

**Q7F. - Please clarify how many objections the council received in hard copy paper form.**

**The council now admit that there were "a number of emails blocked by our ICT system".**

**It appears the "ICT system" blocked a number of genuine emails.**

**Has the council manually examined each blocked email to check if it was genuine?**

**It is suggested that in fact there were many more than just 16 that were blocked by the "ICT system", and some during the 28 day period.**

**How many emails were there in total that were blocked?**

**How many of these were genuine?**

**Was the sender advised that their email had been blocked?**

**If not, how were they to know this had happened/**

**It is known that 3 objections were sent with the subject lines as below.**

**The first and third were accepted by the council, but the second was blocked by the "ICT system",**

**How can this be due to "the complexity of the characters" - it is obvious there is no difference in this complexity between the three lines.**

**Please explain this in full detail, as it would appear that the rejections were random.**

**2603-5: LEAFLET DELIVERY + STREET NOTICES - OBJECTION 0033 - 20MPH PROPOSAL - AREA 5 - PD/CH/A63**

**2603-4: LEAFLET DELIVERY + STREET NOTICES - OBJECTION 0034 - 20MPH PROPOSAL - AREA 4 - PD/CH/A62**

**2603-3: LEAFLET DELIVERY + STREET NOTICES - OBJECTION 0035 - 20MPH PROPOSAL - AREA 3 - PD/CH/A61**

**Where a council system failure was identified, did the council apologize to the objectors concerned?**

**Q8. - How many emails requesting information about this Area 3+4+5 scheme were received, and how many of these were sent replies during periods:**

**Q8A. - 5-12-16 to 11-1-17?**

**A8A. - As stated above, the council received 21 responses in total related to the 20 mph speed limit. These objections were sent to the Highway engineer responsible for this scheme.**

**Q8FA. - There is a clear difference between asking for information, making a complaint, and submitting an objection.**

**The council did in fact respond to some of these complaints, rather than simply treating them as objections.**

**Please clarify which of these 21 were early objections, which were complaints, and which were asking for information.**

**Where information was asking for, was it provided?**

**Q8B. - 12-1-17 to 15-2-17?**

**A8B. - During this period, there were 3,346 representations sent to the objections email box and 3,325 acknowledgements sent thereafter.**

**Q8FB. - As above, many including myself wrote and asked for information, a separate process from submitting an objection.**

**For example, I asked why the B2030 Smitham Downs Road had been chosen to go to 20mph when main roads were to stay at 30.**

**That was to help formulate focused objections - an objector needs to know the reassuming in order to respond.**

**Please answer for the emails that were "requesting information" about the scheme.**

**How many of these received replies?**

**Q8C. - 15-2-17 to 1-5-17?**

**A8C. - During this period the council received 262 emails to the objections email inbox but the figure of the sent replies cannot be provided.  Most of the emails which were received after this period were acknowledged by automatic system reply set up by our ICT team. However this system does not hold the information of sent replies.**

**Q8FC. - As above, many including myself wrote and asked for information, a separate process from submitting an objection.**

**Please answer for the emails that were "requesting information" about the scheme.**

**How many of these received replies?**

In response to the above, we have answered your requests with what information we hold in a recorded format, under the act we are not required to create information we do not hold.

So to reaffirm our previous responses we did not record the time of objections received as this was not considered relevant to the consultation and the time of an objection received and the time entered on the spreadsheet would in any case be different.

We do not release the names of individuals or organisations that respond to our consultations.

It is important to remember that when information is released under the Environmental Information Regulations 2004, it is considered released to the wider public, not to mention on the whatdotheyknow website.

I am therefore withholding personal data as defined by the Data Protection Act 1998 which renders such data exempt from disclosure by virtue of Regulation 12(3) of the Environmental Information Regulations 2004.

Any such disclosure of personal information would not be compliant with the provisions of the Data Protection Act 1998.

If you are dissatisfied with the way the Council has handled your request under the Environmental Information Regulations you may ask for an internal review. This should be submitted to us within 40 working days of this response. You can do this by outlining the details of your complaint by:

Email: information@croydon.gov.uk

Writing: Information Team

London Borough of Croydon

Bernard Weatherill House

Floor 7 - Zone B

 8 Mint Walk

Croydon, CR0 1EA

Any requests received after the 40 working day time limit will be considered only at the discretion of the council.

If you are not content with the outcome of the internal review, you have the right to apply directly 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

Ash Riaz

Information Coordinator

Croydon Council