



Northamptonshire County Council

By Email
Mr P Swift
request-660702-4b29ca12@whatdotheyknow.com

Please ask for: Freedom of Information
Tel: 01604 368360
Our ref: FR9936c
Your ref:
Date: 6th July 2020

Dear Mr Swift,

Information Request: FR9936c

Thank you for your further Freedom of Information request dated 29th June 2020. Your request has been dealt with under the Freedom of Information Act and is detailed below in italics with our response in bold.

(Please note the extract below has been taken directly from your original information request and is unedited).

Our Response

The Freedom of Information Team has been provided with the following information in response to your recent request on behalf of Northamptonshire County Council (NCC).

Dear Freedom of Information,

there appears to be a contradiction:

I asked 'Are there any aspect of the 'actual costs' that appear upon a schedule. If so, I ask to be provided with these.' to which the reply was:

'No, these do not exist on a schedule that we hold as actual costs may vary by supplier.'

Yet you subsequently advise:

'KierWSP supply spreadsheets for all staff that show in detail their individual salaries, pension arrangements, NI as well as allowances for equipment provided as part of their employment (vehicles, phones, laptops etc) and other employment associated costs. This is agreed annually with NCC and we are at liberty to check actual salary with Kier and WSP payroll on an open book

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basis. The resulting hourly rate is based on their anticipated productive time. This applies only to the Highways Services Contract with KierWSP for the period 2008 – 2020 only'

Please accept our apologies for this omission. We have attached two redacted files and the costs included are those ticked in your list below. We have redacted staff names and employee numbers only and have included Kier only employees.

The spreadsheets are schedules and it is these I am seeking - for staff, operatives, plant and materials i.e. barrier (C01). I anticipate the names of the staff will be redacted and provide a schedule akin to that which I have been supplied by Kier for another area comprising the costs associated with:

Wages & Salary ✓

Bonus & Incentives ✓

specialist allowances ✓

absence due to sickness and holiday ✓

Travel ✓ but only where the employees have company vehicle or fuel allowance.

Relocation ✓

medical examinations ✓

*Protective clothing **Included in Local Area Overheads.***

N.I. ✓

*meeting legal requirements **Included in plant costs.***

pensions and life assurance ✓

*general training ✓ **employee time only. Other training costs included in Local Area Overheads.***

*Safety training ✓ **employee time only. Other training costs included in Local Area Overheads.***

*Water **Included in local area overheads / property costs.***

*Gas **Included in local area overheads / property costs.***

*Electricity **Included in local area overheads / property costs.***

*consumables for vehicle **Included in plant costs.***

The rates are not commercially sensitive:

they are associated with each claim, disclosed to Third Parties have been provided by Kier previously, are in the public domain - Area 3 (Highways England) schedule

We agree that the rates are not commercially sensitive but wish to make it clear that they are applicable only to roads under the responsibility of Northamptonshire County Council within Northamptonshire and have no relevance to working on Highways England Area 3 roads. They have not been published and are not in the public domain.

We do not hold a priced list of components for the local area overheads as any costs incurred are on an actual cost basis. The rates supplied are applicable to the 2019/20 financial year only and do not include the following (this may not be an exhaustive list) – service providers margin, plant, pool vehicles, fuel (apart from company cars), small tools, traffic management equipment, offices, messes, protective clothing, management staff overheads, IT equipment (unless specifically included), software licences, other travel allowances, insurance, head office overheads, profit, heat, power, light, cooling, water, office consumables, overtime (where paid), HR, admin, finance team costs, programming, asset management, IT support, standby allowances.

FOIA 2000 exemption s.40(2), Personal information, has been relied upon in respect of the redaction of staff names and employees numbers. Please see below for full details of the exemption:

40.- Personal information.

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if -

(a) it constitutes personal data which does not fall within subsection (1), and

(b) the first, second or third condition below is satisfied.

(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act-

(a) would contravene any of the data protection principles, or

(b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.

(3B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).

(4A) The third condition is that-

(a) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for access to personal data, the information would be withheld in reliance on provision made by or under section 15, 16 or 26 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2018, or

(b) on a request under section 45(1)(b) of that Act (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.

(5A) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).

(5B) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies-

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)

(i) would (apart from this Act) contravene any of the data protection principles, or

(ii) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded;

(b) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene Article 21 of the GDPR (general processing: right to object to processing);

(c) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for confirmation of whether personal data is being processed, the information would be withheld in reliance on a provision listed in subsection (4A)(a);

(d) on a request under section 45(1)(a) of the Data Protection Act 2018 (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.

(7) In this section-

"the data protection principles" means the principles set out in -

(a) Article 5(1) of the GDPR, and

(b) section 34(1) of the Data Protection Act 2018;

"data subject" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

"the GDPR", "personal data", "processing" and references to a provision of

Chapter 2 of Part 2 of the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2), (4), (10), (11) and (14) of that Act).

(8) In determining for the purposes of this section whether the lawfulness principle in Article 5(1)(a) of the GDPR would be contravened by the disclosure of

information, Article 6(1) of the GDPR (lawfulness) is to be read as if the second subparagraph (disapplying the legitimate interests gateway in relation to public authorities) were omitted.

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If you are unhappy with the response, you can ask the Council to review it. To do this please write to the address below:

Ms Luiza Morris-Warren
Reviewing Officer
Northamptonshire County Council
One Angel Square
Angel Street
Northampton
NN1 1ED

Email dataprotection@northamptonshire.gov.uk

If our internal review does not resolve the issue to your complete satisfaction, you have the right to apply to the information Commissioner for a decision at the following address:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Or, if you have any complaints in respect of your information request please complete the on-line comments form that can be found at www.northamptonshire.gov.uk, along with a full set of guidance.

Yours sincerely

Freedom of Information/Data Protection Team
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