



Your Ref:

Our ref: SW0060

Mr Ian Hands

request-265864-c3152060@
whatdotheyknow.com

Communities

Oldmeldrum Business

Centre

Colpy Way

Oldmeldrum

AB51 0BZ

www.aberdeenshire.gov.uk

22 May 2015

**If you have difficulty reading this document please contact
social.work@aberdeenshire.gov.uk**

Dear Mr Hands

Freedom of Information (Scotland) Act 2002

Notice of Refusal

We refer to your request dated 28 April 2015 for the following information –
Contact details for person responsible for Adult Specialist Services. We
received your request for information on 28 April 2015.

We confirm that the Council holds the information that you have requested.
We have considered your request, but are of the opinion that the exemption
under the following section of the Act applies to the information requested:-

Section 38(1)(b) – personal data where the "first condition" is satisfied

The information falls within the definition of "data" in the Data Protection Act 1998, and the disclosure of the information to a member of the public otherwise than under this Act would contravene-

- (i) any of the data protection principles; or*
- (ii) section 10 of the Data Protection Act (right to prevent processing likely to cause damage or distress).*

We are of the opinion that this exemption applies because the information you request constitutes personal data (as defined in the Data Protection Act) relating to third parties.

The First Data Protection Principle states:-

Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless -



- (a) at least one of the conditions in Schedule 2 is met, and
- (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

The Schedule 2 conditions are not met. Condition 6(1) has particular application:-

The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.

The circumstances of your request do not demonstrate that you have any such legitimate interest in having these personal data disclosed to you.

Consequently disclosure would contravene the First Data Protection Principle as being neither fair nor lawful.

This exemption is an absolute exemption and therefore we are not obliged under the terms of the Act to provide you with the information requested.

However, information about our service structure and senior management team is available on the [Aberdeenshire Council](#) website.

If you are dissatisfied with the way in which we have dealt with your request, you may require Aberdeenshire Council to review this decision. Details of the procedure are attached.

Yours sincerely,

FOI Co-ordinator (Communities)



FURTHER INFORMATION:

Aberdeenshire Council's Review Procedure under the Freedom of Information (Scotland) Act 2002

If you wish Aberdeenshire Council to review its actions and/or decisions with respect to your Request for Information, you should contact:-

Alastair Nicol
Principal Committee Officer
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen AB16 5GB
E-mail: alastair.nicol@aberdeenshire.gov.uk

no later than 40 days after you receive the Notice intimating the decision that you want to have reviewed.

Your request for review must be in writing or in another form which has some permanency and is capable of being used for subsequent reference (e.g. audio/video tape recording). You must state your name and address for correspondence. You must also give details of the information which you originally requested and the reasons why you are dissatisfied with the way in which your application for information has been dealt with.

The Principal Committee Officer will arrange for your application for review to be considered by the Review Panel. The Review Panel will write to you informing you of its decision by not later than twenty working days after receipt of your request for a review. The Review Panel will also provide you with a statement of its reasons for arriving at the decision it has made.

Your Right to Complain to the Scottish Information Commissioner:

If you are dissatisfied with the Review Panel's decision, you may appeal to the Scottish Information Commissioner.

An appeal to the Scottish Information Commissioner must be made within six months, specifying:

- the Request for Information to which the requirement for review by relates;
- the reasons for your dissatisfaction with the review decision.

The Scottish Information Commissioner can be contacted at:-

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife KY16 9BS
Tel: 01334 464610
Fax: 01334 464611
Email: enquiries@its publicknowledge.info