

11 March 2020

Our ref: RFI 4949



Caroline Scott

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Mail Hub, Worcester
County Hall,
Spetchley Road,
Worcester, WR5 2NP

Dear Caroline Scott

Access to information request – Response - Request No RFI 4949

Thank you for your request for a copy of the information detailed below we received on 12 February 2020.

Your request has been considered under the Environmental Information Regulations 2004.

You specifically asked for details of:

1. Any written matter, whether correspondence in any form, reports, analysis or any other written material that may exist from and to Natural England, including internal communications and attachments thereto, regarding the possible regeneration of the Alton Estate

2. Information and analysis held and/or completed by Natural England regarding the possible effects of the Alton Estate regeneration on Richmond Park SAC and its protected characteristics under the Habitats Directive

3. Information to and from Natural England, both internal and with third parties, regarding the possibility of opening a new access point to Richmond Park of any kind, and the nature and locations of any entrance points so discussed.

Many thanks,

Following of our files please find all the information Natural England holds in scope of all three of your questions within the attached zipfile.

Please note the only information we hold (which has been provided) relates to a screening, not a full consultation. Screenings are undertaken to assess if there is likely to be any possible risk to the SAC. More information about screenings is available via the below link.

www.gov.uk/guidance/pre-submission-screening-service-advice-on-planning-proposals-affecting-protected-species

Names and contact details of private individuals contained within the documents has been withheld as they engage Regulations 12(3) of the Environmental Information Regulations 2004.

Regulation 12 (3) – Personal Information

The names, signatures, and contact details of private individuals are considered by Natural England to be personal information as defined by the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

The First Data Protection Principle says that personal data shall be processed lawfully, fairly and in a transparent manner. Guidance published by the Information Commissioner, states that when considering fairness in relation to disclosing personal information under FOIA [and EIR] it will usually mean considering:

- whether the information is sensitive personal data;
- the possible consequences of disclosure on the individual;
- the reasonable expectations of the individual, taking into account: their expectations both at the time the information was collected and at the time of the request; the nature of the information itself; the circumstances in which the information was obtained; whether the information has been or remains in the public domain; and the FOIA [and EIR] principles of transparency and accountability; and
- any legitimate interests in the public having access to the information and the balance between these and the rights and freedoms of the individuals who are the data subjects.

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.

Considering all the factors above, Natural England does not believe that the release of names, in this case, necessary in order to satisfy the legitimate public interest in the accountability of public sector employees.

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If you have any queries about this letter, please contact me. As you may be aware, under the legislation should you have any concerns 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 email me at foi@naturalengland.org.uk and I will arrange for a review to take place. 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 that complaint, or the review of our decision, 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: 0303 123 1113 (local rate), www.ico.org.uk

Yours sincerely

Sarah Waterfield
Lead Adviser – Access to Information
Legal Services