

## Response to Request for Information

**Reference:** FOI 1985  
**Date:** 3 July 2012  
**Type of request** Freedom of Information Request

### *Legal cases*

In the ICO's Decision Notice FS50431298 regarding my previous FOI request [http://www.whatdotheyknow.com/request/court\\_and\\_tribunal\\_cases](http://www.whatdotheyknow.com/request/court_and_tribunal_cases), paragraph 12 says:

.. the only information that could be provided from the electronic systems is a list of cases along with their opening and closing dates. ...

Please provide me with that information. That is, all the information relevant to my previous request which can be provided from the electronic systems, as discussed above.

[clarified to exclude social care proceedings and planning enforcement]

The attached spreadsheet contains details that we can produce from our case management system of legal cases. As explained to the Information Commissioner's Office as part of the previous investigation, a 'case' in this sense is any specific piece of work that our Legal Services have worked on. We could only establish whether a case went to court or a tribunal for the whole list by manually consulting every individual entry and referring to the case files. A few of the entries do note in the 'Matter Name' that they relate to a tribunal; however these references do not provide a definitive guide to all of the cases that involved a tribunal.

It has been necessary to redact the 'Matter Name' for some of these cases. The 'Matter Name' recorded is a short title for each case and they are specific to each matter, rather than a generic heading. The information we have redacted is explained below, alongside the relevant exemptions.

#### **Section 40 – Personal information**

The majority of the withheld information is names of individuals, primarily social care-related service users, members of the public relating to Highways matters and details of employment tribunals. The information is recorded in the context of legal matters relating to the individuals, in some cases it would be 'sensitive' personal data as defined by the Data Protection Act, and it would constitute 'unfair' processing to disclose their interaction with legal matters into the public domain. The individuals would not be under the expectation that we would disclose this information.

#### **Section 41 – Information provided in confidence**

A few cases have been redacted where they relate to the affairs of deceased persons, principally in the purchase of land and the removal of a lease. These details relating to the deceased persons' affairs are considered to have been provided in confidence.

### **Section 43 – Commercial interests**

Some of the references relate to third parties, primarily relating to debts involving those companies. Disclosing into the public domain that the Council's Legal team had been considering debt and other legal matters relating to individual companies would involve disclosing information that would be likely to prejudice the commercial interests of those companies. Publicly disclosing this information could damage the company's reputation and may also, in respect of debt cases, disclose underlying details about financial issues affecting individual companies. While there is a public interest in being transparent about payments to the Council, this has to be balanced against any potential damage to third parties that could result from the disclosure of the information. The information is recorded, and associated work undertaken, as the Council looks to resolve any matters directly with the company concerned and potentially to avoid more costly legal action where possible.

### **Section 44 – Prohibitions on disclosure**

Some of the cases listed relate to Trading Standards investigations and considerations regarding the potential prosecution of traders. The release of this information is prohibited by Part 9 of the Enterprise Act 2002. Sections 237 and 238 of the Enterprise Act prohibit the disclosure of 'specified information'. 'Specified information' relates to information received in the course of the performance of our functions under the Enterprise Act 2002. This includes information relating to the Council's Trading Standards Service investigations and consideration of potential prosecutions. As these details are 'specified information', the Enterprise Act is a statutory bar to the disclosure of this information and therefore the information is exempt from disclosure under Section 44 of the FOI Act.

### **Information Governance Team**

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