



Northamptonshire County Council

By Email
Sean Brawley
request-517761-227584d2@whatdotheyknow.com

Please ask for: Freedom of Information
Tel: 01604 368360
Our ref: FR8582a
Your ref:
Date: 12th October 2018

Dear Mr Brawley,

Information Request: FR8582a

Thank you for your Freedom of Information request dated 19th September 2018. 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).

In the case of 1, I note that it is a matter of record the Paul Blatern received a payment on exit from the organisation beyond that in the contracted terms. As such I am surprised at your response.

(Original request - Please provide:

1. Itemised details of all discretionary payments made above contractual requirements on redundancy or termination of any employee within the last 4 calendar years.)

As I presume this an issue of my faulty wording, I will resubmit my request as below:

1. Itemised details of all payments made above contractual requirements on redundancy, termination or other exit from the organisation of any employee within the last 4 calendar years, including any additional payments beyond contractual terms for any specific purpose or agreement.

2. Itemised details of all payments made above contractual requirements to employees working for the organisation in the last 3 years.

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).

Northamptonshire County Council
One Angel Square
Angel Street
Northampton, NN1 1ED
w. www.northamptonshire.gov.uk
t. 01604 368360
f. 01604 237004
e. freedomofinformation@northamptonshire.gcsx.gov.uk



Northamptonshire
County Council

NCC does not keep payroll information itemised in this way on its enterprise resource planning system. It would therefore require a significant amount of resource by NCC to both engage in the search and retrieval of contractual paperwork which is stored off site in an archive facility, and the analysis and interpretation of payroll data for all leavers of NCC over the past 4 years by reason of redundancy, dismissal, misconduct and capability, either due to ill health or performance, or settlement agreement. This will run into hundreds of records.

Unfortunately, it is estimated that the time it will take to undertake the necessary search, retrieval and preparation work that will enable us to respond to the request you have made will exceed the fee limit as set out in the Appropriate Limit and Fees Regulations. Therefore, the Council is not obliged to provide a response and I will not be processing your request further. For information purposes, the fee limit set down by the Regulations is £450.00 and in our case this equates to a maximum of 18 hours' of search and retrieval time.

In accordance with Section 17 of the Freedom of Information Act 2000, this letter acts as a refusal to release the information you have requested.

Section 12-Exemption where cost of compliance exceeds appropriate limit

- (1) Section 1 (1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

In respect of settlement agreements, to disclose itemised details of individual payments would result in releasing details of a personal nature (of which an employee has a reasonable expectation would remain private) into the public domain and is therefore exempt under section 40 (2) of the Freedom of Information Act 2000. Please see full details of the exemption below:

40. - (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 do not fall within subsection (1), and
(b) either the first or the second condition below is satisfied.

(3) The first condition is-

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that 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 that Act (right to prevent processing likely to cause damage or distress),
and

(b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the

exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

(4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).

(5) The duty to confirm or deny-

(a) 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), and

(b) does not arise in relation to other information if or to the extent that either-

(i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or

(ii) by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).

(6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

(7) In this section-

"the data protection principles" means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;

"data subject" has the same meaning as in section 1(1) of that Act;

"personal data" has the same meaning as in section 1(1) of that Act.

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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:

Mr Simon Deacon
Reviewing Officer
Northamptonshire County Council
One Angel Square
Angel Street
Northampton
NN1 1ED

Email dataprotection@northamptonshire.gcsx.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
Business Intelligence and Project Management
E-Mail- freedomofinformation@northamptonshire.gcsx.gov.uk