



Response to Request for Information

Reference FOI 001475
Date 4 September 2017

Email Correspondence

Request:

I wish for you to supply to me all email correspondence between Wolverhampton Licensing Department and Uber with all replies and email threads.

In response to your request whilst we can confirm that the City of Wolverhampton Council does hold this information, following careful consideration the Council regrets to inform you that it has decided not to disclose the information under Section 43 (2) of the FOI Act 2000, Prejudice to Commercial interests, which states:

“Section 43(2) exempts information whose disclosure would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity). “

By disclosing this information, the Council feels that it would prejudice both the commercial interests of Uber, given that the information is directly related to the regulatory function of issuing licences and the Council's own commercial activity related to the processing of licence applications.

Further consideration was also given to the application of exemption under Section 41 of the FOI Act 2000, Information provided in Confidence, which states:

“Section 41(1) exempts information if:

- (a) It was obtained by the public authority from any other person (including another public authority), and,
- (b) The disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person”

Given that information provided is recorded in confidence as it relates to operating, vehicle and driver licensing activities performed by the Council in the performance of its statutory licencing functions the disclosure of any information provided by third parties would constitute a breach of confidence.

Elements of information provided also relate to third party personal information. This information is exempt under Section 40(2) of the FOI Act 2000, Personal Information, which states:

“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).”

Information collected as part of the licensing process that falls under this exemption relates to medical and Disclosure and Barring Service information.

In considering the public interest whilst it is recognised there is presently a high level of media interest in the activities of Uber on balance the public interest favours maintaining the exemption given that the release of the requested information would have an adverse impact upon Uber and the Council and harm both party’s legitimate economic interests. The Council recognises the need to maintain public safety but in this instance, feels the release of information related to one specific company would not provide any overall assurance that this requirement is being met.

More information on Section 43(2) of the Act can be found at the Information Commissioner’s Website: <https://ico.org.uk>

[NOT PROTECTIVELY MARKED]