

05/09/18



Karen Elliott
request-508165-56889e15@whatdotheyknow.com

Wildlife Licencing
Horizon House
Deanery Road
BRISTOL
BS1 5AH

Dear Karen Elliott,

Access to Information Request

Thank you for your request for information set out below, which we received on 07/08/18. Your request has been considered under the Environmental Information Regulations 2004 (EIRs).

You specifically asked for:

The following licence details: EPSM2009-933, EPSM2011-3163 and 2016-21449-EPS-MIT

Please find attached the information we hold in relation to your request.

Regulation 12(3) – Personal Information

Some of the information contained within the documents provided has been withheld as it relates to personal information and engages Regulation 12(3) of the EIRs.

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.

Regulation 12(5)(a) – Public Safety

Location information is being withheld in accordance with the exemption set out in Regulation 12(5)(a) which states:

“...a public authority may refuse to disclose information to the extent that its disclosure would adversely affect...

(a) international relations, defence, national security or public safety;”

Harm Test

Any disclosure made under the Regulations is in effect a disclosure to the world at large, as any other applicant would be entitled to the same information on request. To release and subsequently place into the public domain the location of the licensed activity would adversely affect public safety. We believe that the release of the exact site locations and the names of the applicants and licensees would impact adversely upon the protection of these individuals and the health and safety of those individuals at the licence activity sites.

Public Interest Test

In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure. Whilst Natural England believes in openness and transparency, as a public body, we also have a duty to safe-guard people who undertaken who apply to undertake or who are licenced to undertake certain activities.

While we believe that the public do have the right to know that licence activity is being undertaken we feel that this should not extend to providing the precise location of the proposed activity, given the possible threat to those locations and those involved if that information is released.

We feel there is little additional public interest in knowing the locations and which organisation and /or individuals are involved aside from the opportunity to target the sites, organisations or person for the purposes of objection.

As such, while it is a public right to object and make their views known, that right has to be balanced against issues of security and safety of the personnel involved. We believe that these are legitimate concerns sufficient to allow Natural England to engage this exception and withhold the information.

Please note that the information we have supplied to you is subject to copyright protection under the Copyright Designs and Patents Act 1988. You may re-use this information (not including logos) free of charge in any format or medium, for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting. You must re-use it accurately and not in a misleading context. The material must be acknowledged as Natural England copyright and you must give the title of the source document/publication. However, if you wish to re-use all or part of this information for commercial purposes, including publishing and the information is not covered by the [Open Government Licence](#) you will need to apply for a licence. Applications can be sent to Enquiry Service, Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP.

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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 requests and wish to make a complaint or request a review of our decision, please contact me and I'll arrange for a colleague to conduct an internal review. 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 internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the internal review 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: 01625 545 700, www.ico.gov.uk.

Yours sincerely

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