

23 July 2020

Our ref: RFI 5090



Mr Moore

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Mail Hub  
Worcester County Hall  
Spetchley Road  
Worcester  
WR5 2NP

Dear Mr Moore

### **Access to information request – Request No RFI 5090**

Thank you for your request for information which we received on 31 May 2020 and extended on 01 July 2020. Your request has been carefully considered under the Environmental Information Regulations 2004 ("the EIRs").

You specifically asked for:-

***Thank you for the information sent to date. I believe I may need to re submit my request to be more general, as a lot of the information I was looking for was not under the heading of "fishermen" and left out a lot of important correspondence. Please could I have copies of all correspondence about this plot of land.***

In response to your new request above in addition to your previous request RFI 4971 we have routinely searched all our electronic systems including identifying what we hold relating to "fisherman" and any correspondence associated with The Fishing Club etc.

We have located additional information which may not have been previously provided and was missed due to requiring approval from NE Security to obtain access to email accounts. This information is provided in the attached zipfile. The information saved in the zipfile also includes all correspondence we hold to date.

Natural England works on the principle that any disclosures made under the Environmental Information Regulations 2004 are in effect a disclosure to the world at large, as any other applicant would be entitled to the same information on request. As such we take this into consideration when making any decisions as to whether it is in the public interest to disclose or withhold requested information.

Some of the information contained within the documents provided is being withheld as it engages Regulation 12(3) of the Environmental Information Regulations 2004 which relates to personal information. An explanation of how Natural England has applied this exception is set out below.

### **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.

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, Worcestershire County Hall, Spetchley Road, WORCESTER, WR5 2NP.

This information may also contain third party copyrighted material and you will need to obtain permission from the copyright holders concerned before you re-use it.

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 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: <https://ico.org.uk/global/contact-us/> or call on 0303 123 1113 (local rate), [www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely

Kate Donovan, Adviser  
Access to Information  
Legal & Governance Team

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