

07 April 2021

Our ref: RFI 5500



D Mudge

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Mail Hub
Worcester County Hall
Spetchley Road
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WR5 2NP

Dear D Mudge

Access to Information request – Request No RFI 5500

Thank you for your request for information, which we received on 19 March 2021. Your request has been considered under the Environmental Information Regulations 2004 (“EIR’s”).

You asked for:-

I am requesting information under the Environmental Information Regulations 2004 regarding communications between Natural England and the applicant(s)/holder(s) of great crested newt mitigation licences for the land known as Kingmoor Park Industrial Estate, Land North of Kings Drive, Carlisle, Cumbria, CA6 4SE since 2016. I understand a licence numbered 2017-29917-EPS-MIT-2 was granted (valid from 17 December 2020). I am also aware that a previous licence had been issued but I do not know the licence number.

1. Please provide all records of communications between Natural England and applicant(s)/holder(s) of newt mitigation licence(s) since 2016 including any emails, written correspondence, telephone conversations, video calls, meetings and text messages.

In response, Natural England’s Wildlife Licensing Team have routinely searched through their records and have compiled the information we hold in scope of your request above and is saved in the attached zip file.

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.

2. Please provide all licence numbers of currently valid newt mitigation licences for the land known as Kingmoor Park Industrial Estate, Land North of Kings Drive, Carlisle, Cumbria, CA6 4SE.

The only current valid licence for this address is 2017-29917-EPS-MIT-2 (until 2026).

Regulation 12(3) - Personal Information

The names, signatures, and contact details of private individuals and some staff members 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.

We believe that names and contact details of individuals involved in this decision should not be disclosed. This is particularly so given the sensitivity surrounding the subject. In our opinion the release of this information would cause unnecessary and unjustified harm or distress to the persons who the information is about, and a risk to the individuals' personal safety.

As a public sector organisation, employees of Natural England have a reasonable expectation that their names and work contact details should be disclosed upon request, and there is a legitimate public interest in accountability. However, the sensitivity surrounding the revocations of the General Licences means that Natural England believes disclosure of the names and work contact details of the staff involved in this decision would cause unnecessary and unjustified harm or distress to the person who the information is about, and a risk to the individuals' personal safety. Natural England has a duty of care towards its staff and this position is consistent with that duty.

Considering all the factors above, Natural England does not believe that the release of names, contact details and work contact details is, in this case, necessary in order to satisfy the legitimate public interest in the accountability of public sector employee.

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

Yours sincerely

Kate Donovan
Adviser – Access to Information
Legal & Governance Team

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