



## FREEDOM OF INFORMATION ACT 2000

### ABSOLUTE EXEMPTION FROM DISCLOSURE OF DOCUMENTS/INFORMATION

Ref no: FOI 19/0704

**Applicants Name:** Ludovica Rogers

**Date of Request:** 3rd May 2019

**Information sought:**

A. Please provide a spreadsheet in .xls format containing the following information for each of the LOBO loans you held in the 2015/16 financial year (please use a row for each loan and a column for each parameter indicated below): 1. Internal reference number, 2. Principal, 3. Initial counterparty, 4. Date loan was signed, 5. Drawdown date, 6. Maturity date, 7. Option period (number of months), 8. Start date for teaser rate (if applicable), 9. Teaser interest rate (if applicable - intended as the discount rate sometimes offered before the initial rate), 10. Start date for initial rate, 11. Initial interest rate (intended as the rate set for the term of the loan until the first option is called), 12. First option date, 13. Has the option been exercised?, 14. Most recent date when option was exercised (if applicable), 15. Interest rate in 2015/16, 16. Interest paid in 2015/16, 17. Fair value in March 2016, 18. Interest rate in 2018/19, 19. Interest paid in 2018/19, 20. Fair value in March 2019, 21. Current counterparty, 22. Name of treasury management advisor when the loan was taken out, 23. Name of broker who arranged the loan, 24. Fee paid to the broker for the loan

B. Please provide copies of: 1. The original LOBO loan contracts, 2. The invoices for the broker fees.

Under the powers delegated to me by Caerphilly county borough council and having considered representations made to me, I have made the following decision:-

#### Exemptions applying to the Information Sought

Section 40(2) of the Freedom of Information Act, the disclosure of information which is classified as personal data in accordance with the provisions of the Data Protection Act 1998.

Section 31(a) – Law Enforcement – the prevention or detection of crime. This sets of an exemption from the right to know if the release of the information would or would likely prejudice (harm) the prevention or detection of crime.

#### Case for S.40(2) Exemption

Section 40(2) of the Freedom of Information Act provides an exemption for information which is the personal data of any third party, where disclosure would contravene any of the data protection principles contained in the Data Protection Act (DPA).

Under Section 40(2) of the Freedom of Information Act 2000, the names of bank staff and the signatures of both bank and council staff would fall within the definition of 'personal data' in section 1(1) of the Data Protection Act 1998, as the information relates to a living individual

who can be identified from that data. The disclosure of this information would breach the first data protection principle – fair and lawful processing.

This is an absolute exemption and is not subject to the public interest test.

### **Case for Section 31(a) Exemption**

A request under the Freedom of Information Act is not just a request by the applicant for the information requested to be released to them but a request to put the information in question into the public domain so that everyone can access it. We must therefore consider the negative purposes this information could be used for if put into the public domain. As bank account details could potentially be used for fraudulent purposes this could prejudice the prevention of crime.

This exemption is qualified which means it is subject to a public interest. There are strong public interest arguments in favour of the prevention of crime but limited public interest arguments in favour of the disclosure of this information, and therefore I consider the public interest to be greater in the withholding of this information.

### **Extent of Exemption**

The names of banking staff and the signatures of banks and local authority staff and bank account details.

### **Authorised Officer**

**Name:** Lisa Lane

**Position:** Deputy Monitoring Officer

**Signed:**



**Date:**

7th June 2019