

My Ref: IG-10938
Your Ref:
Contact: Freedom of Information Team
Email: InformationRights@nottinghamcity.gov.uk



Nottingham
City Council

Freedom of Information Team
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Requester

At contact address specified for request number above

25 July 2018

Dear Requester

Request under the Freedom of Information Act 2000 (the Act)

The council has considered your request which was received on 27 June 2018 and our response to your questions is shown below.

We would like to be provided with all the communications between Nottingham City Council Planning Department and the owners/agent for 25 Leonard Avenue, Nottingham NG5 2 LW, including verbal and written advice and including any recommendations given to the proposals of building works at 25 Leonard Avenue, Nottingham NG5 2LW.

In accordance with section 1 (1) of the Act the council has a duty to confirm whether it holds the information of the description specified in the request, and if that is the case, to have the information communicated to the requester.

The Act covers all recorded information held by a public authority, however it does not cover information that is in someone's head. The council does not have to create new information in order to answer a request. The council does not hold any recorded verbal advice or recommendations given to the proposals of building works at 25 Leonard Avenue, Nottingham NG5 2LW. Therefore, under section 1 of the Act the requested information cannot be provided, as it is not held by the council.

The council publishes information related to planning applications on its website. The council has therefore determined that some of information is exempt from disclosure in accordance with section 21(1) of the Act as it is reasonably accessible to you by other means and publically available on the following website:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P8IN22LYGQU00>

Under the tab headed 'Documents' there is some correspondence including the decision which you can view.



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In addition please see attached documents 'Document 1 – Redacted', 'Document 2 – Redacted' and Document 3 – Redacted'. Parts of the documents have been redacted to remove personal information related to junior employees. The council has not redacted the applicants name as this information is already in the public domain, in addition the chief planners details have been left un-redacted. In accordance with section 40(2) of the Act, the personal information about identifiable living individuals is exempt if disclosure to a third party would contravene 1 of the General Data Protection Regulations (GDPR) principles.

The council are required under section 40(2) to take in account the GDPR, in particular Article 4 which states “‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”.

The council have considered the principles of the GDPR in our decision as to whether to disclose the information. The redacted information identifies a living individual and is therefore classified as personal data. The council must also consider whether it is fair in general terms to disclose the information. The Information Commissioner's guidance states 'It is reasonable to expect that a public authority would disclose more information relating to senior employees than more junior ones...the disclosure must not cause unwarranted interference with the rights, freedoms and legitimate interests of the employee'. The individual concerned would not expect their details to be disclosed to a third party, as it is the council's general guidance not to do so for staff below the level of Head of Service. The council have therefore determined that in this instance the disclosure of this information to you otherwise than under the Act would contravene Principle (a) of the GDPR – lawfulness, fairness and transparency.

The council has relied on sections 16 and 21 of the Act as it is providing you with advice and assistance by directing you to websites where you can find some of the information you require. In addition the council is withholding some personal information as detailed above under section 40(2). Please accept this letter as a partial refusal notice issued in accordance with section 17 of the Act.

You are free to use any information supplied for your own personal use. However, any other type of re-use, for example, by publishing the information or issuing copies to the public will require the permission of the copyright owner. If the copyright is owned by Nottingham City Council details of the conditions on re-use can be obtained by contacting this office.

If you are unhappy with the response provided or with the handling of your request, you can ask for an internal review by email: informationrights@nottinghamcity.gov.uk or writing to the **Information Governance Specialist, Freedom of Information Team, 2nd Floor, Loxley House, Station Street, Nottingham, NG2 3NG** by stating the reasons for your dissatisfaction. Your request for an internal review should be made to the council within forty working days of the date of this letter. Please quote reference IG-10938 in all communications.

If you remain unhappy after receiving the response to your initial complaint you can request an independent review from the Information Commissioner's Office at **FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe**

House, Water Lane, Wilmslow, Cheshire SK9 5AF. You may also contact the Information Commissioner's Office by telephone on 01625 545745 or by email at mail@ico.gsi.gov.uk.

Yours sincerely

Freedom of Information Team
Nottingham City Council