



## Northamptonshire County Council

By Email  
Richard Newton  
[request-631836-31e17f71@whatdotheyknow.com](mailto:request-631836-31e17f71@whatdotheyknow.com)

Please ask for: Freedom of Information  
Tel: 01604 368360  
Our ref: FR9718  
Your ref:  
Date: 17<sup>th</sup> January 2020

Dear Mr Newton,

### **Information Request: FR9718**

Thank you for your Freedom of Information request dated 6<sup>th</sup> January 2020. Your request has been dealt with under the Freedom of Information Act and is detailed below in italics with our response in bold.

(Please note the extract below has been taken directly from your original information request and is unedited).

*Please provide your policies and procedures for identifying damage to highways you are responsible for maintaining.*

*Please also provide the inspection reports for the A6116 thrapston to corby road covering the dats August 2019 to Jan 2020.*

### **Our Response**

The Freedom of Information Team has been provided with the following information in response to your recent request on behalf of Northamptonshire County Council (NCC).

**Please see enclosed inspection reports.**

**The inspection documents have been screened and redacted prior to their release to remove third party data in accordance with the FOIA 2000 exemption s.40(2), Personal information. Please see below for full details of the exemption:**

#### **40.- Personal information.**

**(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.**

Northamptonshire County Council  
One Angel Square  
Angel Street  
Northampton, NN1 1ED  
w. [www.northamptonshire.gov.uk](http://www.northamptonshire.gov.uk)  
t. 01604 368360  
e. [freedomofinformation@northamptonshire.gov.uk](mailto:freedomofinformation@northamptonshire.gov.uk)



Northamptonshire  
County Council

**(2) Any information to which a request for information relates is also exempt information if -**

- (a) it constitutes personal data which does not fall within subsection (1), and**
- (b) the first, second or third condition below is satisfied.**

**(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act-**

- (a) would contravene any of the data protection principles, or**
- (b) would do so if the exemptions in section 24( 1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.**

**(3B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).**

**(4A) The third condition is that-**

- (a) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for access to personal data, the information would be withheld in reliance on provision made by or under section 15, 16 or 26 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2018, or**
- (b) on a request under section 45(1)(b) of that Act (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.**

**(5A) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).**

**(5B) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies-**

- (a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)**
  - (i) would (apart from this Act) contravene any of the data protection principles, or**
  - (ii) would do so if the exemptions in section 24( 1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded;**

(b) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene Article 21 of the GDPR (general processing: right to object to processing);

(c) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for confirmation of whether personal data is being processed, the information would be withheld in reliance on a provision listed in subsection (4A)(a);

(d) on a request under section 45(1)(a) of the Data Protection Act 2018 (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.

(7) In this section-

"the data protection principles" means the principles set out in -

(a) Article 5(1) of the GDPR, and

(b) section 34(1) of the Data Protection Act 2018;

"data subject" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

"the GDPR", "personal data", "processing" and references to a provision of

Chapter 2 of Part 2 of the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2), (4), (10), (11) and (14) of that Act).

(8) In determining for the purposes of this section whether the lawfulness principle in Article 5(1)(a) of the GDPR would be contravened by the disclosure of information, Article 6(1) of the GDPR (lawfulness) is to be read as if the second subparagraph (disapplying the legitimate interests gateway in relation to public authorities) were omitted.

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If you are unhappy with the response, you can ask the Council to review it. To do this please write to the address below:

Luiza Morris-Warren  
Reviewing Officer  
Northamptonshire County Council  
One Angel Square  
Angel Street  
Northampton  
NN1 1ED

Email [dataprotection@northamptonshire.gov.uk](mailto:dataprotection@northamptonshire.gov.uk)

If our internal review does not resolve the issue to your complete satisfaction, you have the right to apply to the information Commissioner for a decision at the following address:

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

Or, if you have any complaints in respect of your information request please complete the on-line comments form that can be found at [www.northamptonshire.gov.uk](http://www.northamptonshire.gov.uk), along with a full set of guidance.

Yours sincerely

Freedom of Information/Data Protection Team  
Northamptonshire County Council  
E-Mail- [freedomofinformation@northamptonshire.gov.uk](mailto:freedomofinformation@northamptonshire.gov.uk)