



**DARLINGTON**  
Borough Council

**OPERATIONS GROUP**  
Law & Governance Division  
Town Hall, Darlington DL1 5QT  
DX69280 Darlington 6

Chris Upton

[xxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxx.xxx](mailto:xxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxx.xxx)

(01325) 406777

xxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx

21<sup>st</sup> October 2021

Our ref: DBC-2102-21

Your ref:

Please ask for: Rachel Seddon

Document Name:

Dear Chris

## Environmental Information Regulations 2004 - Information Request

Your request for information, received on 15<sup>th</sup> October 2021, has now been considered. Your request is outlined below with our answers added alongside.

*I'd be grateful if you can provide me with the following information under the Freedom of Information Act 2000.*

### *The latest Hygiene report for Akbar Dynasty Sadberge*

Please refer to attached PDF. You will notice some information has been redacted (blacked out). This information is personal data about third parties which is exempt under Regulation 13 of the Environmental Information Regulations 2004. A full refusal notice is appended to this letter.

If you are dissatisfied with the handling of your request or would like to request an internal review of our response, please write to:

Complaints and Information Governance Manager  
Darlington Borough Council  
Neighbourhood Services and Resources Group  
Town Hall  
Darlington  
DL1 5QT  
E-mail: [xxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx)

You can also obtain further information from the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 0303 123 1113  
Website: [www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Seddon'.

**Rachel Seddon**  
Complaints & Information Governance Assistant

### Regulation 13 of the Environmental Information Regulations 2004 (the Regulations)

*“13.—(1) To the extent that the information requested includes personal data of which the applicant is not the data subject and as respects which either the first or second condition below is satisfied, a public authority shall not disclose the personal data.*

*(2) The first condition is—*

*(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under these Regulations would contravene—*

*(i) any of the data protection principles...”*

In this case we believe that disclosure of the personal data concerned would result in a breach of the first data protection principle, as stated in the Data Protection Act 2018 (the DPA):

*“Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject”*

We have considered whether it would be fair and lawful to disclose the information to you and whilst we agree that you have an interest in receiving the information, we believe that the privacy interests of the third party outweigh your interests. As a result, we are withholding the redacted information under Regulation 13 of the Regulations.

This exception is not subject to the public interest test.

You have the right to request an internal review of our decision to apply this exception; details of how to do this are provided in the letter that accompanies this refusal notice.