



Northamptonshire County Council

By Email
G Reed
request-532514-96ba85a1@whatdotheyknow.com

Please ask for: Freedom of Information
Tel: 01604 368360
Our ref: FR8784
Your ref:
Date: 11th December 2018

Dear Sir/Madam,

Information Request: FR8784

Thank you for your Freedom of Information request dated 14th November 2018. 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).

Request under the Freedom of Information Act 2000 Under the Freedom of Information Act 2000 and the Academies Act 2010, please provide me with an electronic version of the Asbestos Register, Asbestos survey and Asbestos Management Plan for:

Lumbertubs Primary School (Tonmead Road)

This school has been an Academy in the Bourton Meadows Trust since September 2018. Prior to that Lumbertubs Primary School was an Academy in the Collaborative Academies Trust.

Although Lumbertubs Primary School is an Academy there appears to be confusion about who can provide the required asbestos information. The Bourton Meadows Trust state that Lumbertubs Primary School is leased from Northamptonshire County Council on a 125 year lease. Also, the school is a PFI school which means all building and grounds maintenance issues are handled by the PFI contractor which is Amey. The Bourton Meadows Trust does not have the required information about the asbestos in the school and have suggested that I contacted Northamptonshire County Council.

If Northamptonshire County Council does not have the information I would be grateful if my Freedom of Information request could be passed on to Amey or whoever can provide this information.

Northamptonshire County Council
One Angel Square
Angel Street
Northampton, NN1 1ED
w. www.northamptonshire.gov.uk
t. 01604 368360
f. 01604 237004
e. freedomofinformation@northamptonshire.gcsx.gov.uk



Northamptonshire
County Council

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).

The information supplied is provided for private use, such as non-commercial research purposes, and news reporting. Any other type of re-use will require the permission of the copyright owner under the Re-use of Public Sector Information Regulations 2015.

Please see attached as requested. Please note that third party personal data has been screened and redacted from the records in accordance with s.40(2) of the Freedom of Information Act 2000. Full details of the exemption are shown below:

- 40. - (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.**
- (2) Any information to which a request for information relates is also exempt information if-**
- (a) it constitutes personal data which do not fall within subsection (1), and**
 - (b) either the first or the second condition below is satisfied.**
- (3) 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 this Act would contravene-**
 - (i) any of the data protection principles, or**
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress),****and**
 - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.**
- (4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).**
- (5) The duty to confirm or deny-**
- (a) 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), and**
 - (b) does not arise in relation to other information if or to the extent that either-**

(i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or
(ii) by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).

(6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 1998 shall be disregarded.

(7) In this section-

"the data protection principles" means the principles set out in Part I of Schedule 1 to the Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;

"data subject" has the same meaning as in section 1(1) of that Act;

"personal data" has the same meaning as in section 1(1) of that Act.

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

Mr Simon Deacon
Reviewing Officer
Northamptonshire County Council
One Angel Square
Angel Street
Northampton
NN1 1ED

Email dataprotection@northamptonshire.gcsx.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, along with a full set of guidance.

Yours faithfully

Freedom of Information/Data Protection Team
Business Intelligence and Project Management
E-Mail- freedomofinformation@northamptonshire.gcsx.gov.uk