

26 February 2020

Our ref: RFI 4928



Mr Tim Walton

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Dear Mr Walton

### **Access to information request – Response - Request No RFI 4928**

Thank you for your request for a copy of the information detailed below we received on 29 January 2020.

Your request has been considered under the Environmental Information Regulations 2004.

You specifically asked for details of:

***“How many applications for licences to shoot either goosanders and/or cormorants were made in each of 2017, 2018 and 2019. Of these applications how many were repeats and how many were new, how many were granted, how many rejected and how many still pending. I would like to know this at national, regional and local level and who was the issuing/rejecting advisor in the NE organisation”.***

Please find attached a spreadsheet containing the information you have requested. In the cases where we have stated ‘unknown’ that is due to our system not yet being completed by the relevant adviser. We have provided you with details at a National level as this is how our system provides us with the report.

The names of the advisers who were involved in the decision making process has been withheld as they engage Regulations 12(3) of the Environmental Information Regulations 2004.

### **Regulation 12 (3) – Personal Information**

The names, of the officials within Natural England are considered in certain circumstances by Natural England to be personal information as defined by the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

The First Data Protection Principle says that personal data shall be processed lawfully, fairly and in a transparent manner. Guidance published by the Information Commissioner, states that when considering fairness in relation to disclosing personal information under FOIA [and EIR] it will usually mean considering:

- whether the information is sensitive personal data;
- the possible consequences of disclosure on the individual;
- the reasonable expectations of the individual, taking into account: their expectations both at the time the information was collected and at the time of the request; the nature of the information itself; the circumstances in which the information was obtained; whether the information has been or remains in the public domain; and the FOIA [and EIR] principles of transparency and accountability; and
- any legitimate interests in the public having access to the information and the balance between these and the rights and freedoms of the individuals who are the data subjects.

As a public sector organisation, Natural England considers whether the disclosure of official's names would be fair and lawful on a case by case basis. This depends on a number of factors including: the consequences of disclosure, the reasonable expectations of the employee, and the balance between any legitimate public interest in disclosure and the rights and freedoms of the employees concerned. As a

public sector organisation, employees of both Natural England and other bodies have a reasonable expectation that their names and work contact details should be disclosed upon request, and there is a legitimate public interest in accountability.

However, the sensitivity surrounding lethal control licence applications means that Natural England believes disclosure of the names of the staff processing these applications and carrying out actions relating to them would cause unnecessary and unjustified harm or distress to the person who the information is about, and a risk to the individuals' personal safety. As a result, staff involved in handling these licence applications have collectively taken the decision to refuse consent to disclosure, and Natural England supports this position as it has a duty of care towards its staff and those in other organisations. This position is consistent with that duty. The members of staff within this team are mostly junior staff within the organisation, and do not make decisions at a strategic level.

Considering all the factors above, Natural England does not believe that the release of names, in this case, necessary in order to satisfy the legitimate public interest in the accountability of public sector employees.

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If you have any queries about this letter, please contact me. As you may be aware, under the legislation should you have any concerns with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, please email me at [foi@naturalengland.org.uk](mailto:foi@naturalengland.org.uk) and I will arrange for a review to take place. Under Regulation 11(2) this needs to be done no later than 40 working days after the date of this letter

If you are not content with the outcome of that complaint, or the review of our decision, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Natural England. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 0303 123 1113 (local rate), [www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely

Sarah Waterfield  
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Legal Services