

Rhys Berryman
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Contact: Paul Gordon
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Website: www.doncaster.gov.uk
Date: 29th March 2016

Dear Rhys Berryman

Re: Freedom of Information Act 2000 – Internal Review

Thank you for your request to review our response to your Freedom of Information request dated 16th February 2016 for Freedom of Information request - Social Services Management Structure. I have reviewed the original response and can report as follows:

Decision:

After reviewing the request, I can confirm that your appeal is partially upheld.

On reviewing your request and our response I have established that some information has been omitted. Children's social services are now delivered by Doncaster Children's Services Trust and the information relating to their staffing structures is the information not included in the original response. Please find attached a copy of their staffing structure.

However, after carefully considering your request, the Council has decided to refuse to disclose some of the information you have asked for under Section 40(2) of the Freedom of Information Act 2000.

Basis for decision:

This law allows us to refuse to disclose personal information where to do so would either contravene any of the Data Protection Principles or would be likely to cause damage or distress to the person the information is about. This is called an "exemption".

Why does the exemption apply in this case?:

Personal information.

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.
- (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 [1998 c. 29.] Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

The information requested relates to individuals. Part 1(1) of the Data Protection Act 1998 defines personal data as data that relates to a living individual who can be identified from that data or from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller.

Employees below Head of Service level are considered to be junior officers thus the Council believes that the disclosure of this information would contravene the Data Protection Act and specifically the first data protection principal in that it would cause distress to individuals who have a reasonable expectation that their personal data will be confidential.

Reviewing this Decision

You can apply to the Information Commissioner for a decision about our compliance or otherwise with the Freedom of Information legislation. Contact the Commissioner for details on how to do this - telephone 01625 545700, address:

Information Commissioner,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.
Internet: <http://www.ico.org.uk>

Yours sincerely,

Paul Gordon

Head of ICT