

20 May 2019

Our ref: RFI 4630



Ms Sian Carr

request-570658-870cafff@whatdotheyknow.com

Legal Services
Access to Information
Sterling House
Dix's Field
Exeter
Devon EX1 1QA

Dear Ms Carr

Access to Information Request – Request No RFI 4630

Thank you for your request for information, which we received on 24 April 2019. Your request has been carefully considered under the Environmental Information Regulations 2004 ("EIR's").

You specifically asked for:-

Can you confirm that licences were granted for badger sett closure and translocation of great crested newts in relation to A6 Manchester Airport Relief Road (A6MARR) in particular relating to Section 14 and Junction with Chester Road (approx. grid reference SJ899837).

Would it be possible to have a copy of the applicant's documents relating to the licence applications allowing the disturbance of GCN and closure of a sett ?

Following a comprehensive search of our paper and electronic records, please find attached provided in the *zip file* all the relevant documents we hold in scope of your request above relating to great crested newts.

We are still looking through our paper and electronic files for information we hold regarding licences granted for badger sett for this site. The Regulations allow us 20 working days to respond to your request from the date of its receipt. However, it is occasionally necessary to extend the time limit for issuing a response. In this case, we regret that we must extend the time limit for responding by a further 20 working days to 21 June 2019 to allow us to continue our search and ensure you receive all the information we hold in scope of your request.

Some of the information contained within the documents provided is being withheld as it engages Regulation 12(3) of the Environmental Information Regulations 2004 which relates to personal information. An explanation of how Natural England has applied this exception is set out below.

Regulation 12(3) – Personal information

The names, signatures, and contact details of private individuals are considered 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.

When names and contact details are collected from individuals by Natural England we do not inform them that the information will remain confidential or that it may be released, however, we believe that there is an expectation of confidentiality.

The release of names or contact details and any subsequent contact may cause unnecessary or unjustified distress or damage to the individuals if released, and they have a reasonable expectation of confidence.

Natural England is therefore satisfied that the information requested fits the definition of personal data and that its release would be 'unfair' under the meaning of the first Data Protection Principle and should not be released.

Please note that the information we have supplied to you is subject to copyright protection under the Copyright Designs and Patents Act 1988. You may re-use this information (not including logos) free of charge in any format or medium, for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting. You must re-use it accurately and not in a misleading context. The material must be acknowledged as Natural England copyright and you must give the title of the source document/publication. However, if you wish to re-use all or part of this information for commercial purposes, including publishing and the information is not covered by the [Open Government Licence](#) you will need to apply for a licence. Applications can be sent to Enquiry Service, Natural England, Block B, Government Buildings, Whittington Road, WORCESTER, WR5 2LQ.

This information may also contain third party copyrighted material and you will need to obtain permission from the copyright holders concerned before you re-use it.

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 requests and wish to make complaint or request a review of our decision, please contact me and I'll arrange for a colleague to conduct an internal review.

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 internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the internal review 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

Yours sincerely

Kate Donovan, Adviser
Access to Information
Legal & Governance Team

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