

Information Governance Team • The Parkhouse Building • Kingmoor Business Park • Carlisle • Cumbria • CA6 4SJ
T: 01228 221234 • E: information.governance@cumbria.gov.uk

PRIVATE AND CONFIDENTIAL

James Withington

19 May 2022

Dear James Withington

Freedom of Information Act 2000, Reference: FOI-12678-2022

The council has completed its search relating to your request about Structure Chart for Adult Social Care, Children's Social Care & Public Health received on Tue, 12 Apr 2022.

Request

1) Please share the structure chart including name, email address and contact number for post holders within Children's Social Care, Education, Adult Social Care & Public Health.

2) Please include post holders acting at Director, Assistant Director, Head of Service and Service Manager level.

Response

The council does hold information within the definition of your request.

Please see attached organisation charts for Director, Assistant Director, Head of Service, Service Manager Level for Adult Social Care (ASC) and Public Health.

Please be advised that contact information has been removed from the ASC organisation charts:

The Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) give the public rights to access information held by public authorities. The public authorities can withhold information if they can apply a relevant exemption. In this case, the authority has decided to withhold some of the information requested under Section 40.

Section 40 of FOIA provides an exemption from the right to information if it is personal data as defined in the Data Protection Act (DPA).

Freedom Of Information Act (FOIA) exemptions and Environmental Information Regulations (EIR) exceptions concerning personal data relates to the processing of personal data in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA).

The DPA and GDPR set out the UK data protection regime. The DPA also sets out separate data protection

rules for the processing of personal data by competent authorities, for law enforcement purposes (DPA Part 3); and for processing by the intelligence services (DPA Part 4). For more information see: <https://ico.org.uk/for-organisations/guide-to-data-protection/>

Requests for information about authority staff can cover a wide range of topics, including the names of staff, organisation charts and internal directories, as well as other data which can identify individual employees.

The authority must consider the likely consequences of disclosure in each case. Personal information must not be used in ways that has unjustified adverse effects on the employee concerned. To be able to support our decision, the authority must go on to apply a Public Interest Test (PIT).

Public Interest Test

The authority understands that disclosing this information would help to further the understanding, and participation in the public debate. It would facilitate the accountability and transparency of public authorities for decisions taken. It would also allow individuals to understand decisions made by public authorities affecting their lives and, in some cases, assist individuals in challenging those decisions. However, it is our opinion that releasing ASC staff member's contact details could put them at risk of harassment and verbal abuse by disgruntled social care service users or members of the public.

The Council has also decided to withhold all information relating to Children's Services staff members:

The council does hold the information requested; however this information is withheld under Section 38(1)(b).

Under Section 38(1)(b) of the Freedom of Information Act 2000, public authorities are able to withhold personal information, if its disclosure would or would be likely to, endanger the physical or mental health of any individual or endanger the safety of any individual. Public authorities must go on to apply the public interest test set out in regulation 38(1)(b). A public authority can only withhold information if the public interest in maintaining the exception outweighs the public interest in disclosing the information.

Public Interest Test

The Public Interest Test found that the disclosure of this information would facilitate the accountability and transparency of the public authority, however there is a current active social media campaign, which is targeting Cumbria County Staff, including elected members and child and family workers. This could heavily endanger the safety and wellbeing of our staff. Therefore, as an employer and our obligation to protect staff from risk of any harm, the decision to withhold the information at present outweighs the reasoning to provide the requested information.

Disclaimer

Most of the information that we provide in response to requests submitted under the Freedom of Information Act 2000 and Environmental Information Regulations 2004 will be subject to copyright protection. In most cases the copyright will be owned by Cumbria County Council. However the copyright in other information may be owned by another person or organisation, as indicated on the information itself.

You are free to use any information supplied in this response for your own non-commercial research or private study purposes. The information may also be used for any other purpose allowed by a limitation or exception in copyright law, such as news reporting. However, any other type of re-use, for example by publishing the information in analogue or digital form, including on the internet, will require the permission of the copyright owner. Where the copyright owner is the council you will need to make an application under the Re-use of Public Sector Information Regulations 2005.

For information where the copyright is owned by another person or organisation you must apply to the owner to obtain their permission.

If you are dissatisfied with the way the council has responded to your request you can request an Internal Review. If you would like to request a Review please contact the Information Governance Team using the details at the top of this letter.

If you have any issues relating to this letter you should attempt to resolve them, in the first instance, with the council, by requesting an Internal Review. If you would like to request a Review please contact the Information Governance Team using the details at the top of this letter.

Further information can be found on the council's website: <http://www.cumbria.gov.uk/council-democracy/accesstoinformation/internalreviewscomplaints.asp>

Yours sincerely

Information Governance Team