



Section 40(2) Refusal Notice

Disclosure of information relating to third party individuals would be in breach of the first data principle. We therefore shall not be disclosing individual information, citing Section 40(2) of the Freedom of Information Act 2000-

Section 40(2) provides that:

“(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...”

The first data protection principle, as defined in the Data Protection Act 1998, states:

“(a) at least one of the conditions in Schedule 2 is met, and

(b) in the case of sensitive data, at least one of the conditions in Schedule 3 is also met”

<http://www.legislation.gov.uk/ukpga/1998/29/schedule/2>

In this case, we do not believe that any of the Schedule 2 conditions are applicable to the processing (i.e. the disclosure) of the requested information. As a result, we are refusing your request under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and not subject to the public interest test. This letter constitutes a refusal notice in accordance with Section 17.1 of the Act.

Kind regards

Faye Biddles
Information Governance Officer