

**Reference:** FOI-174715933

**Date of request:** 13/02/2020

**Title of request:** Tracey Burley Former Cognus MD NDA

**Request details:**

Dear Sutton Borough Council,

Could you please confirm if the former Director of the LA spin out company Cognus, Tracey Burley, received any form of golden handshake/financial settlement with regards to her departure in 2019?

In the interests of public expenditure could you provide the total amount of funds, if applicable, that was provided for the above settlement/departure.

Finally can you confirm if as part of any settlement and/or her departure if she signed an NDA (non-disclosure agreement).

Yours faithfully,

Christoper Whispy

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Please use this email address for all replies to this request:

[request-645598-bd04095e@whatdotheyknow.com](mailto:request-645598-bd04095e@whatdotheyknow.com)

*Dear Sir,*

*There is no requirement to disclose any information relating to this FOI as it is exempt under section 40 (2) of the FOIA as it relates to an employee's personal data.*

*Refusal Notice Section 40(2)*

*Part 1 of Schedule 19 of the Data Protection Act 2018 amends the personal data exemption under section 40 of the Freedom of Information Act 2000(FOI). These are consequential amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998. They will not fundamentally impact when personal data can, and cannot, be disclosed in response to an FOI request.*

*Personal Information is governed by the Data Protection Act legislation and is defined as any information relating to an identified or identifiable natural person ('data subject')". It adds that: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location number, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.*

*The withheld information is exempt because disclosure would contravene the first data protection principle which requires that personal data is processed fairly and lawfully. Disclosure of the requested information would breach this principle and in particular the requirement of fairness.*

*Yours sincerely*

*Cognus*