

20 October 2020

Our ref: RFI 5194



Mr Rob Foster

Email: request-687203-853cab72@whatdotheyknow.com

Mail Hub, Worcester
County Hall,
Spetchley Road,
Worcester, WR5 2NP

Dear Mr Foster

Access to information request – Response - Request No RFI 5194

Thank you for your request for the minutes from all the meetings (whether by telephone link or any other means) of the Alkborough management group meetings during the period 01/01/2018 to present date 24/08/2020, also any other documentation where Wildfowling has been discussed with anyone, including all government agencies, Environment Agency, Associated British Ports, & North Lincolnshire Council over the same period. It was received on 24 August 2020 and we extended on 22 September 2020

Your request has been considered under the Environmental Information Regulations 2004 (EIRs).

Please find attached all the information we hold in scope of your request. We have interpreted the second part of your request as relating to formal documents where Alkborough Wildfowling was discussed. The only information we hold in scope of this is the meeting minutes and these are supplied. These are contained in 2 documents. One containing information on the same subject which we previously provided you and the other the additional minutes where the time period was not within the first release.

Within these documents some information has been withheld as it engages Regulation 12(3) which relates to personal information.

Regulation 12(3) – Personal Information

The names, signatures, and contact details of private individuals and some employees 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 via enquires@naturalengland.org.uk

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 request and wish to make a complaint or request a review of our decision, please email me at foi@naturalengland.org.uk and I will arrange for a review to take place. 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 review of our decision, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Natural England. The Information Commissioner can be contacted by telephone on: 0303 123 1113 (local rate) or via their website www.ico.org.uk

Yours sincerely

Sarah Waterfield
Lead Adviser – Access to Information
Legal Services