

Adult and Community Services
Data Protection & Information Officer

29 March 2016

Our Ref: e18782

Re: Request for information under the Freedom of Information Act 2000

Your request for information which was received on 7 March 2016 has been considered. Please find our response below.

Your request:

RE: Double yellow lines in Harrowdene Gardens Twickenham

Under the Freedom of Information Act, please can you provide the following information:

- *The rationale for the proposal which was consulted on*
- *The number of respondents to the consultation*
- *The proportion of responses that were in favour of the double yellow lines*
- *The proportion of responses that were not in favour of the double yellow lines*
- *The council's response to the consultation.*

Our response:

- *The rationale for the proposal which was consulted on*

To allow accessibility for emergency service vehicles and to improve sight-lines for vehicles when turning at the junction

- *The number of respondents to the consultation*

Fewer than 10

- *The proportion of responses that were in favour of the double yellow lines*

Fewer than 5 supported proposals

- *The proportion of responses that were not in favour of the double yellow lines*

6 objected to proposals

- *The council's response to the consultation.*

The yellow lines were requested by the fire brigade who would not be able to manoeuvre around this junction in the event of an emergency. The lengths proposed are the absolute minimum to enable fire brigade access. The decision was taken to implement the proposals as advertised. Ward councillors were consulted on the proposals prior to advertising.

Please see Appendix 1 for the legal reasoning behind the decision not to provide specific numbers where these numbers are fewer than 5 or would allow low numbers to be deduced and your right of appeal.

Kind regards

Data Protection and Information Officer

Appendix 1

Detailed legal reasoning for refusal

“Fewer than 5”

Section 40(2): Personal Information

Specifically in terms of the provisions of the Freedom of Information Act 2000 this information is exempt under Section 40(2) as “personal data other than that of the requestor”

The definition of personal data is set out in Section 1 of the Data Protection Act 1998 and provides:

“Personal data” means data which relate to a living individual who can be identified—

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual;

Richmond Council has applied the reasoning in the following Information Commissioner Decision [FS50543792](#)

Paragraphs 15 &16:

15. The Commissioner has considered the information and the number of individuals involved and has concluded that if the Council were to disclose the exact number in each category, particularly if the numbers for any were one, it could be possible to identify the individuals concerned. By aggregating the information the Council has minimised the possibility of identification.

16. The Commissioner does however note that the chances of any member of the public being able to cross-reference this information to identify specific individuals is not high but given the low numbers involved there is a risk that specific individuals could be identified by a person with knowledge of special educational needs and appeals in the area. The Council has stated that the complainant in this case is an individual who has knowledge of this. In addition, the Commissioner recognises that other individuals, such as parents at schools or Council employees may be able to identify individuals. Therefore, on the balance of probabilities, the Commissioner accepts the information is personal data.

Similarly, we consider a determined individual with other knowledge of this matter may be able to use the specific figure to attempt to identify the individuals involved. We therefore consider that this information constitutes personal data.

We have now considered whether disclosure would breach any of the principles of the Data Protection Act.

Such information should only be processed for specified, lawful and compatible purposes and I do not consider this to be a compatible purpose [Principle 2].

Furthermore such information should be processed in accordance with the rights of the data subjects who would have a legitimate expectation that the information would not be disclosed to members of the public [Principle 6].

I consider that the disclosure of this information to members of the public could cause damage or distress to the data subjects. I have given regard to condition 6 of Schedule of 2 of the DPA which provides:

6 (1) the processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.

In reaching a view I have taken account of the individual's reasonable expectations of what would happen to their personal data, whether disclosure would be incompatible with the purposes for which it was obtained and whether disclosure would cause any unnecessary or unjustified damage to the individual.

In this instance the data subjects would not have any reasonable expectation that the details would be made public.

I have concluded that it is neither in accordance with the Data Protection Act 1998 principles nor in the public interest to release this specific data.

In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice.

You have the right of appeal against our policy. If you wish to appeal please set out in writing your grounds of appeal and send to:

Corporate Complaints and Access to Information Manager
Community Engagement and Accountability Team
Adult and Community Services
3rd Floor Civic Centre
44 York Street
Twickenham
TW1 3BZ
E-mail: foi@richmond.gov.uk

If you are dissatisfied with the outcome of the internal appeal you may appeal further to the Information Commissioner's Office at:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
fax: 01625 524 510
DX 20819

www.ico.org.uk