

Adult and Community Services
Data Protection & Information Officer
Email: foi@richmond.gov.uk



4 April 2016

Our Ref: e18795

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

Your request for information which was received on 8 March 2016 has been considered.

Please find our response attached (18795_2 & 18795_3).

Please note that it has been necessary to redact personal data including names, telephone numbers and other comments recorded regarding pet shop owners from the inspection forms. Our redactions were undertaken in accordance with Section 40(2) of the Freedom of Information Act.

Please see Appendix 1 for the detailed legal reasoning behind the decision, which constitutes a partial refusal to supply the information you requested, and your right of appeal.

Appendix 1

Detailed legal reasoning for refusal

Section 40(2): Personal Information

Information held relating to specific individuals is refused on the grounds that the release of this information would constitute the disclosure of personal data. The data subjects have not consented to the disclosure nor would they have any reasonable expectation that this information would be disclosed to the general public.

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 Act 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;

In coming to this decision, I took into consideration the Data Protection Act 1998 principles.

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 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 individuals 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 individuals.

In this particular case, 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 data.

In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice in respect of the names of these individuals.

You have the right of appeal against the decision. 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