

Adult and Community Services
Data Protection & Information Officer

12 April 2016

Our Ref: e18869

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

Your request for information which was received on 24 March 2016 has been considered. Please find our response below.

Your request:

Can you please provide me the full version of your contracts register (Excel) that lists all the contract the organisation has around health and social care?

Please do not send me a simple contract's register that only list contract dates and supplier names as I require department, categories and contract owner.

Please if possible, can you include?

1. Existing Supplier
2. Annual Spend
3. Contract Brief
4. Contract Dates
5. Department
6. Product Categories – The more the better.
7. Contract Owner including job title and email address
8. If possible can you also provide me with the contact details of the person responsible for uploading and publishing the contract's register?

Our response:

We note that you request not to be directed to the Contract Register for Richmond upon Thames, however, the information you request is contained within this document and the link is provided here:

<http://www.richmond.gov.uk/procurement>

The Contract Register contains your request for: Existing Supplier Name, Annual Spend, Contract Brief (description), Contract Dates, Department (ENV is Environment, ACS is Adult Community Services, FCS is Finance and Corporate Services, AfC is Achieving for Children).

We do not routinely select Product Categories and only do this when we advertise on the Tenders Portal with the formal OJEU Notice and do not keep records of this elsewhere.

We do not supply names and contact details of individual contract owners. Please see Appendix 1 for the legal reasoning behind the decision not to provide the names of staff and your right of appeal.

Kind regards
Data Protection and Information Officer

Appendix 1

Detailed legal reasoning for refusal

Section 40(2): Personal Information

The names of our Directors, Assistant Directors and Head of Services are published on our website:

http://www.richmond.gov.uk/home/council/how_we_work/organisational_structure.htm

In general we do not publish the names of employees below Head of Service Level. Your request for the contact details of individual employees who have not explicitly consented to the disclosure of this information is refused on the grounds that the release of this information would constitute the disclosure of personal data about the individuals that could be used to identify them. As explained 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.

We appreciate there are positions within the Council which could justify the disclosure of personal information. For example, if the role was public facing or the level of seniority would imply a degree of public scrutiny. As a result we have provided the names and contact details of our Chief Executive, Directors, Assistant Directors and Head of Service on our website.

However we do not believe that employees below this level would expect their personal information disclosed in this way and therefore we believe it would breach the Data Protection Act 1998.

Specifically in terms of the provisions of the Freedom of Information Act 2000 it 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 subject 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 subject. 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 and 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 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 the names of employees below Head of Service Level where this information is not already on our website.

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