

19 April 2016

**Our Ref: e18872**

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

Your request for information which was received on 28 March 2016 has been considered.

Please find our response below.

**Your request:**

*Can you please provide me with all correspondence from the former and current Secretary of State for Transport, and from any of the former and current Ministers of Transport from the Department of Transport regarding shared space roads / shared space public realm sent to the council from 2011 to the present day.*

*Also please can you provide, all correspondence sent from the council to the Department of Transport on shared space roads / shared space public realm from January 2011 to present.*

**Our response:**

Please see the attached PDF (18872\_2). Please note that initially we could not locate the letter from Baroness Kramer (it may not have been received or may have been subsequently misplaced) but in order to assist we requested a copy of the letter from the Department for Transport.

We have redacted names of managers at a lower level than Head of Department as we consider it may be unfair to provide these names. Please see Appendix 1 for the detailed legal reasoning and your right of appeal relating to this redaction.

## Appendix 1

In general we do not publish the names of employees below the level of Head of Department.

Your request included the names of individual employees who have not explicitly consented to the disclosure of this information and 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 Heads 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 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 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 Department level where this information is not already on our website

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](mailto: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](http://www.ico.org.uk)