

COLNEY HEATH PARISH COUNCIL

Highfield Park Visitor Centre

Hill End Lane

St Albans AL4 0RA

Tel: 01727 825314

Email: clerk@colneyheathparishcouncil.gov.uk



20th June 2022

RE: Freedom of Information Act 2000 Colney Heath Parish Council – Request for third party information relating to a resident complaint

I am replying to you in response to your email received 13th May 2022. I would like to apologise for the delay in responding but the information you have requested required me to take advice and review legislation in greater detail. The legislation is in place to protect individuals who provide their personal information to the Parish Council. After careful review, the following response is sent on behalf of Colney Heath Parish Council is as follows:

Your request:

In these circumstances we request, under the Freedom of Information Act, you advise us who is making these complaints as this ongoing vendetta is causing us unwanted stress and harassment by this person that needs addressing.

Our response:

In response we refer to Section 40(2) Freedom of Information Act 2000, Section 40(2) of the Freedom of Information Act 2000 provides that:

(2) Any information to which a request for information relates is also exempt information if:

- (a) it constitutes personal data which do not fall within subsection (1), and*
- (b) either the first or the second condition is satisfied.*

(3) The first condition is—

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the [1998 c. 29.] Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene (i) any of the data protection principles”

In this case we believe that the information is held under the first condition and disclosure of the information would result in a breach of the first data protection principle, as stated in the Data Protection Act 1998 (the DPA).

The information that you have requested is sensitive personal data, therefore, for the processing to be fair and lawful it must meet at least one of the conditions in Schedule 2 and one of the conditions in Schedule 3 (3a)(a) of the DPA.

In this case, we do not believe that any of the Schedule 3 conditions are applicable to the processing (i.e. the disclosure) of the sensitive personal data in question, which

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leads us to conclude that it would be unlawful to disclose the information requested. As a result, we are refusing your request relating to the disclosure of the names of the individuals who have made complaints to the Parish Council under section 40(2) and section 40 (3a)(a) of the Freedom of Information Act 2000.

The relevant guidance used is attached to this response for your information.

If you are not satisfied with our response, you are entitled to an internal review where we have made a decision to withhold information under a particular exemption, or where you are not happy with the way the Colney Heath Parish Council has handled your request. Requests for an internal review should be sent to the Clerk of the Council either by email or at the address above within 2 months of this correspondence and should detail in writing your grounds of appeal.

If you are dissatisfied with the internal review of our decision, or when an internal review was not available, you can seek an appeal from the Information Commissioner's Office by writing to:

The Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire SK9 5AF.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Lisa Chaplin', written over a light blue horizontal line.

Lisa Chaplin LCGI PSLCC CPFA CiLCA
Clerk to the Council
For and on behalf of
Colney Heath Parish Council

Enc. ICO Guidance – Personal Information (Section 40 and regulation 13)