

13 June 2011

Our ref:

Your ref:



By email only

Block 7
Government Buildings
Chalfont Drive
Nottingham
NG8 3SN

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F 0115 9293842

Dear [REDACTED]

Access to Information request – Partial Release – Request No. 1134 part 2

Thank you for your request for copies of all the information Natural England provided in response to RFI 994 which we received on 16 May 2011.

Your request has been carefully considered under the Environmental Information Regulations 2004.

Please find the second part of this request attached enclosed as promised. This follows on from the response I sent you on 08 June 2011.

Some names of private individuals contained within one letter has been withheld as they fall under the exemption set out in regulation 12(3) of the Regulations.

This is an absolute exception. Regulation 12(3) states: *To the extent that the information requested includes personal data of which the applicant is not the data subject, the personal data shall not be disclosed otherwise than in accordance with regulation 13.*

Regulation 13 sets out a number of criteria for what personal data may or may not be released. It is relevant for these purposes in that it states that you cannot release personal data if to do so would breach one (or more) of the Data Protection Principles.

Natural England has withheld the names in accordance with this regulation as they relate to third parties and if their details were released it would contravene the data protection principles. The names of private individuals are considered by Natural England to be personal information as defined by the Data Protection Act 1998.

The First Data Protection Principle says that personal data 'shall be processed fairly and lawfully'. Guidance published by the Information Commissioner, 'Freedom of Information Act 2000, Awareness Guidance No 1', states that when considering fairness, the following questions should be taken into account.

- Would the disclosure cause unnecessary or unjustified distress or damage to the person who the information is about?
- Would the third party expect that his or her information might be disclosed to others?
- Had the person been led to believe that his or her information would be kept secret?
- Has the third party expressly refused consent to disclosure of the information?

When names are collected from private individuals by Natural England we do not inform them that the information will remain confidential or that it may be released, however, we believe that there is an expectation of confidentiality.

The release of names and any subsequent contact may cause unnecessary or unjustified distress or damage to the individuals if released, and they have a reasonable expectation of confidence.

Natural England is therefore satisfied, that the information requested fits the definition of personal data and that its release would be 'unfair' under the meaning of the first Data Protection Principle and should not be released.

Should you have any concerns with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, please contact:

Clive Doarks, Team Leader, Natural England, Dragonfly House, 2 Gilders way, Norwich NR3 1UB
Email: clive.doarks@naturalengland.org.uk

Under Regulation 11(2) this needs to be done no later than 40 working days after the date of this letter.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Natural England. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 01625 545 700, www.ico.gov.uk.

If you have any queries about this letter, please contact me. I would be grateful if you could confirm receipt.

Yours sincerely

CONOR DONNELLY
Senior Adviser – Marine
Southern North Sea Team
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