

## FREEDOM OF INFORMATION ACT 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

### **You asked:**

I would like to receive the following recorded information. My request is for the time since 1 April 2009. I am looking at every financial year 1 April to 31 March since 2009 up to and including the nearest working day of this request i.e. Monday 18 March.

I would like to have the following information. How many times in that period did you receive a s29(3) request under the DPA? This has to do with requests for personal information where the local authority can exempt itself from the Data Protection Act and provide personal information to the other party.

### **ANSWER:**

Until July 2011 the system used for logging Data Protection requests did not have a search facility. We are able to give you a total number of the types of requests received but further detailed information is unlikely to be searchable and would therefore be over the 18 hour limit. Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending more than 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information.

This is therefore a Refusal Notice under section 17.1 of the Freedom of Information Act, because under the provisions of section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit.

April 2011 to March 2012 = 158

April 2012 to March 2013 = 308

I would also like to know your policy or your decision process for making these decisions. For example, is it signed off by the Data Protection Officer or the equivalent. Or is it approved by a senior manager. By that I mean anyone who is going to be in the category of senior officer by definition of the statutory instrument. The Accounts and Audit (Amendment No. 2) (England) Regulations 2009 You are here: 2009 No. 3322 Regulation 4 <http://www.legislation.gov.uk/ukxi/2009/3322/regulation/4/made>.

If you do not have a policy or a procedure and it is done ad hoc, i.e. as and when required, then just indicate the usual process for getting a s.29 (3) request approved within the authority.

This usually means the CX, the Senior managers or directors such as commonly understood as those in the senior corporate management team,

and then the level beneath the corporate management team, usually the senior managers who report to the corporate management team, which are often known as head of department, chief officer, or head of service.

The central Information Governance Team has four Information Governance Officers who make the decision on whether information can be released under a S29 request. These members of staff have extensive experience and knowledge of the Data Protection Act 1998. In the rare instances that a particularly challenging request is made the Information Governance Manager is consulted.

I would like to know how many either as a number or a percentage of the s29(3) were received from the police, private investigators, other government organisations local or central, and internal departments. I note that the ICO recommends as good practice that this information is recorded in writing with suitable authorisation. [http://www.ico.gov.uk/for\\_organisations/guidance\\_index/~media/documents/library/Data\\_Protection/Detailed\\_specialist\\_guides/SECTION\\_29\\_GPN\\_V1.ashx](http://www.ico.gov.uk/for_organisations/guidance_index/~media/documents/library/Data_Protection/Detailed_specialist_guides/SECTION_29_GPN_V1.ashx)

If you have some that fall outside these categories just put them in "other".

So the table of the information would look like this

We have had 30 requests in 2009/10 of these 20 were from the police, 3 were from private investigators, 1 from another local authority, and 5 were internal.  
1 other

25 requests in 10/11 etc

20 requests in 11/12 etc

10 requests in 12/13 (to date) etc

Until July 2011 the system used for logging Data Protection requests did not have a search facility. We are unable to give you a breakdown of the different sources of requests received and would therefore be over the 18 hour limit. Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending more than 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information.

This is therefore a Refusal Notice under section 17.1 of the Freedom of Information Act, because under the provisions of section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit.

As before we can give you from July 2011 onwards, as below.

April 2011 – March 2012

Police	=	86
Private Investigators	=	0

Other government Departments	=	24
Local Government	=	7
Internal Departments	=	17
Other	=	24

April 2012 – March 2013

Police	=	159
Private Investigators	=	0
Other government Departments	=	77
Local Government	=	30
Internal Departments	=	15
Other	=	27

The legislation allows you to use the information supplied for your own personal use. Please be aware that any commercial or other use, for example publication, sale, or redistribution may be a breach of copyright under the Copyright, Designs and Patents Act 1988 as amended unless you obtain the copyright holder's prior permission.

Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Information Governance Manager using the details below.

If you are dissatisfied with the handling of your request please write to:

**Information Governance Manager**  
**Information and Customer Access**  
**Leicester City Council**  
**FREEPOST (LE985/33)**  
**New Walk Centre**  
**LEICESTER LE1 6ZG**

e-mail: [info.requests@leicester.gov.uk](mailto:info.requests@leicester.gov.uk)

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow SK9 5AF**  
**Telephone: 01625 545 700**

[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.