

## TOWN STRATEGY – 9.3.18

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| <p>There were a couple of reports on the survey conducted last year on the Council website. I think these have either been removed or the link deleted. Could you please send electronic copies of these reports along with the summary responses spreadsheet (appropriately anonymised).</p>  | <p>Request received<br/>Date: 9.3.18</p> <p>To reply by<br/>Date: 6.4.19</p> |
| <p>The interim report is on the website. As you are aware the data you require is the property of the Town Council until such time as the full report is prepared which will be put on the website.</p>  | <p>Reply<br/>Date: 12.3.18</p>   |
| <p>Thank you for your reply. I have now found the interim report, but would still like to view the summary results. Please consider this to be a request in accordance with the Freedom of Information Act 2000. The 20 working day period for a response shall, in accordance with the relevant section of the Act, commence on the date of the original request, ie Friday 9 March 2018.</p>   | <p>Response<br/>Date: 26.3.18</p>  |
| <p>I refer to your email request.</p> <p>On checking the anonymised data there is a considerable amount of work to do, time to be spent and cost (in time) before the data is processed ready for you/anyone to understand!</p> <p>After discussion with the Town Council's legal representative, I have decided to make the following comments/decision:</p> <p>Freedom of Information Act states :</p> <p style="padding-left: 40px;">“you must consider whether the public interest in maintaining the exemption is greater than the public interest in disclosing the required information”</p> <p>Whilst the Town Council endeavours to be transparent to produce information it would be misleading for you to see it before the final report is prepared and I consider it is not in the “public interest” to disclose this information and, therefore, my decision is you (or on others behalf) will not be supplied with this data.</p> <p>I do not intend to enter into protracted correspondence with ICO nor ask a colleague for a review as my decision is made.</p> <p>It is in the “public interest” that the processed information in a full report format will be available for everyone at the same time in a few months and you will be informed when it is ready.</p> <p>On a personal note in future please do not refer to legislation or legalities nor set deadlines in emails although I assume it will not be necessary for you to contact the office again.</p> | <p>Reply<br/>Date: 12.4.18</p>   |
| <p>Thank you. The matter will now be referred to the Information Commissioner for a decision, based on the fact that a single spreadsheet file that requires no additional work and is in the public domain through the publication of an interim report drawing on this material, is what has been requested. As a resident of North Walsham, I may choose to contact the Council Office and indeed the Council again in future, including with regard to this matter.</p>  | <p>Response<br/>Date: 12.4.18</p>  |

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| <p>Thank you for speaking to me on the telephone this morning regarding the above complaint. As discussed I am writing providing my contact details and providing a brief overview of my initial view of this complaint.</p> <p>Mr xxxxxxxx informed us that he has obtained a copy of the report from a member of the council. He says that the report is still in a 'rough format' but its contents are nevertheless complete. The document does appear to follow the interim report contents and to be genuine, but if you wish to be sure that the report is the same please feel free to send me a copy and I will check this prior to you disclosing it to Mr Clancy.</p> <p>Obviously I have not written to the council prior to this point and I have not sought its full arguments for withholding the information. However, as stated, my initial view is that it is likely that the Commissioner would consider that a copy of the report would need to be disclosed as the grounds which the council has stated for withholding it would not amount to a valid exception under the Regulations.</p> <p>The survey itself has been completed and the report on this anonymised and drawn up (albeit that the full report has not), and some sections of it have been disclosed to the public via the publication of the interim report. I also understand that the contents of the survey have been referred to in council meetings open to the public.</p> <p>Given that the council has already published the interim report, referring directly to this information, there would also be a public interest in the council disclosing the information so that members of the public have direct reference to the comments within it as the council moves forward with formulating its strategy.</p> <p>Insofar as I can see there is no personal data which would be disclosed held in the report, and the contents do not seem to be particularly sensitive (but please check that this is the case prior to disclosing the information to him). It is the council's responsibility to ensure that no personal data would be disclosed in breach of the Data Protection Act 2018.</p> <p>I recognise that there is a counter argument that the council needs thinking space in order to develop the town strategy prior to the publication of the full report. If you consider therefore that our initial view is incorrect please let me know and I will send our formal opening letter to you asking the council to justify its position in withholding the information from disclosure.</p> <p>If the council discloses the information to Mr Clancy my initial step would be to seek an informal resolution and ask Mr Clancy to withdraw his complaint to the Commissioner. If however he refuses to withdraw his complaint we are legally obliged to issue a decision notice. The Commissioner's policy in such circumstances is however to simply address the time which the council took to disclose the information. We would find that the council did not comply with Regulation 5(2) but no further steps would be ordered of the council under the circumstances. If you do decide to disclose the information to Mr Clancy it would be extremely helpful if you could copy us into the email which you send to him.</p> <p>As stated, please feel free to send me a copy of the survey if you wish to confirm that it is the same document/information prior to disclosing it to Mr Clancy.</p> <p>If you have any further questions please feel free to call me on 01625 545853. If I am unavailable please leave a voice message and I will call you back as soon as possible.</p> <p>Thank you for your assistance with this matter.</p> | <p>A reply from ICO<br/>Date: 23.10.18</p> |
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| <p>Kind regards<br/>ICO</p>  |  |
| <p>Thank you for sending me the complete town strategy survey.</p> <p>The first document which you sent to me does not match the document which Mr Clancy sent us a copy of.</p> <p>However the copy of the complete survey which you sent us yesterday <u>is</u> an exact match to the document provided to us by Mr Clancy.</p> <p>Mr xxxxxx also sent us a document entitled “Points from Narrative Returns”.</p> <p>Kind regards<br/>ICO</p> | <p>Reply from ICO<br/>Date: 26.10.18</p> |