

15 March 2011

Our ref:

Your ref:



Block 7
Government Buildings
Chalfont Drive
Nottingham
NG8 3SN

T 0300 060 0308
F 0115 9293842

Dear [REDACTED],

Access to Information request – Partial Release – Request No. 994

Thank you for your request for copies of all letters held relating to a legal challenge currently being made by a solicitor to The Wash handwork fishery which we received on 18 January 2011.

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

Please find your requested information enclosed.

Some of the information is being withheld as it falls under regulation 12(3) of the Environmental Information Regulations 2004. 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.*

The information that is being withheld is some names, contact details, personal details and vessel markings within six of the documents.

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 this information 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, contact details, personal details and vessel markings 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 personal information is 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 this personal information 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 satisfied, that this part of 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.

Please note that the information we have supplied to you is subject to copyright protection under the Copyright Designs and Patents Act 1988. You may re-use this information (not including logos) free of charge in any format or medium, for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting. You must re-use it accurately and not in a misleading context. The material must be acknowledged as Natural England copyright and you must give the title of the source document/publication. However, if you wish to re-use all or part of this information for commercial purposes, including publishing you will need to apply for a license. Applications can be sent to: The Enquiry Service, Natural England, 3rd floor, Touthill Close, City Road, Peterborough PE1 1XN.

This information may also contain third party copyrighted material and you will need to obtain permission from the copyright holders concerned before you re-use it.

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:

Dean Kirkland, Team Leader, Natural England, Ceres House, 2 Searby Road, Lincoln, LN2 4DT
Email: dean.kirkland@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
Target Delivery Leader - Marine
Lincolnshire Fens, Marshes & Maritime Team
East Midlands Region
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Enc.