

8th October 2019

Dear Sirs,

Supplemental Request for Transparency (pursuant to FCO Letter of 7th June 2018)

Further to the Council's response of 18 September 2019 (and my return from holiday) I have given further thought to the matter.

I understand that the letter from the Information Commissioner's Office of 7th June 2018 cannot be published and that there are data protection rights and concerns of the individuals mentioned in the letter under DPA 2018 and GDPR.

I can see this to be reasonable and do not therefore intend to pursue publication.

oOo

However, as you will be aware there remain significant concerns as regards the way matters of great import are currently being handled, in particular:

- The Neighbourhood Plan, which many feel to have been actively and intentionally undermined by certain Councillors in a variety of ways (already referred to by residents at recent SPC Meetings) largely perceived to ensure there could be no Site Allocations included.

- The designation of Local Green Space to Sweetlands and Bayards Field on the recommendation of a 'group of residents'.

The group was unacceptably unbalanced in that the majority either had declared property interests around Bayards Field or belonged to the Bayards Field Community Group who pressed for (and I quote) 'the Bayards Field LGS to be considered through the SDNPA Local Plan and not delayed until it can be considered by the Steyning Neighbourhood Plan' .[extract Nov 2018]

- 'leaving of choice to Horsham District Council'.. all the time knowing that they are really only left with Glebe's Farm.

- The overturning by the Steyning Council of the Neighbourhood Plan Steering Committee's recommendation NOT to allocate the LGS status (just 3 days after they reached their decision) and to then apply LGS to Sweetlands and Bayards Field.

- The keeping of recordings of residents' conversations on the SP Watch Facebook Website.

- The occasional preventing of Councillors with a minority voice on the Council exercising their right to speak on points of order

The above is not an exhaustive list but suffices to highlight:

- the causes of so many residents' voices being raised in anger when attending the Council Meetings of late

- a broad extent and diversity of actions that have led residents to conclude an improper use of powers by a controlling party faction within the council.

oOo

As already stated, I have been advised that the letter of 7th June 2018 does not specifically relate to the Neighbourhood Plan etc.

However, the letter DOES, I understand, touch on various shortcomings in the MANNER in which things were handled on past occasions.

I do believe this is the essence of what residents now want to know.

It casts light on whether or not our current personal worries, doubts or suspicions are evidenced in past dealings of the Council / individual councillors

My request is therefore:

- In the light of the ICO's respected and impartial appraisal, the making available through the SPC's website of a concise (but complete) statement of all alleged criticisms or shortcomings in the dealings of the Council and/or of individual councillors (it is appreciated that no names can be given.. let an innominate schedule

of these matters suffice)

- a similar innominate statement of any areas or points where particular praise was apportioned to the way things were handled.

It is accepted that such criticisms or shortcomings are quite possibly unproven or unaccepted by the Council or individual councillors.

We must bear this in mind in our own appraisal of the statement when forthcoming.

Also, I don't expect our councillors to always get things right (any more than I do).

Such a job demands so much time.. and decisions must often leave residents of one or other persuasion unhappy despite best efforts.

I do though believe our councillors can be magnanimous enough to be open on a difficult matter like this. (if only our Parliament were so..!)

I believe most residents will accept and abide wherever they see honour, integrity and impartiality in the Council's service to the Community.

Yours sincerely,

Dear Mr [REDACTED]

Very many thanks for your continued patience in waiting for the Council's response to your review request – The Council's FOI panel convened on 14th May 2020 to fully consider this request and their response as approved by Steyning Parish Council's F&GP committee on the 9th June 2020 is as follows;

By an FOI request dated 18 August 2019 you sought disclosure of a letter written to SPC by the ICO on 7 June 2018.

The request was refused on 18 September 2019 on the basis of the ICO letter having been, and remaining, a confidential letter of advice written to SPC. The advice and the data concerned both SPC and a number of individuals all of whom, particularly those who were members of the public at the time, were entitled to expect the confidentiality to be maintained. The ICO had objected to the breach of confidence which would thereby arise.

On 8 October 2019 you acknowledged that the basis of the 18 September refusal was accepted: -

"... Further to the Council's response of 18 September 2019 (and my return from holiday) I have given further thought to the matter. I understand that the letter from the Information Commissioner's Office of 7th June 2018 cannot be published and that there are data protection rights and concerns of the individuals mentioned in the letter under DPA 2018 and GDPR.

I can see this to be reasonable and do not therefore intend to pursue publication ..."

You went on to make a "supplemental request" for data derived from the ICO letter of 7 June 2018: -

"... In the light of the ICO's respected and impartial appraisal, the making available through the SPC's website of a concise (but complete) statement of all alleged criticisms or shortcomings in the dealings of the Council and/or of individual councillors (it is appreciated that no names can be given.. let an innominate schedule of these matters suffice)

- a similar innominate statement of any areas or points where particular praise was apportioned to the way things were handled ..."

REFUSAL NOTICE

Your request has been considered under the provisions of the Freedom of Information Act (FoIA) and is refused on the following three grounds: -

- 1 The FoIA does not require the Council to create documents it does not have. The Council does not hold any such statement or innominate schedule. For the reasons set out below it would not be appropriate for the Council to create any such document on a voluntary basis;
- 2 Reliance is placed on s40(3B) FoIA. The information you seek is the personal data of someone other than the Council (the various individuals named in the document) and disclosure would contravene an objection to processing; further or in the alternative
- 3 The request is vexatious (s14(1) FoIA).

The Council is not required to give reasons concerning a refusal under s 14(1), however to assist your understanding it is prepared to say that it has taken into account that the request substantially repeats your earlier one which was refused. It should be clear to you that no amount of editing could avoid disclosure of confidential information concerning individuals who would be identifiable/identified by you or others who use the Facebook site “Steyning PC Watch – Keeping an Eye on the Parish Council” (“The Watch site”).

The Council is mindful that this request and others in similar terms were lodged over a short timescale when FoIs were being incited on the Watch site.

The Council is not satisfied that the request is genuinely aimed at gathering information about a proper underlying issue and in any event it is satisfied that the aggregate impact of dealing with your request and the similar and overlapping requests incited on the Watch site would cause a disproportionate and unjustified level of disruption, irritation or distress.

Public Interest Test

The public interest test applies only to ground 2 of the refusal.

The Council is satisfied that the public interest in maintaining the principle that it can be relied upon to maintain the confidentiality of third parties, and in particular of the ICO and of others who were members of the public rather than councillors at the relevant time, outweighs any limited extent to which disclosure of the data might help to promote transparency and accountability of public authorities, greater public awareness and understanding, a free exchange of views, or more effective public participation in decision making. The withheld information would contribute nothing of substance to any of these factors.

In reaching this view the Council particularly had in mind that the letter of 7 June 2018

- Concerned as well as councillors, members of the public.

- That the data in the letter comprises largely summaries of each party's untested allegations against the other
- That the allegations remain contested
- The age of the allegations by one party against the other
- The changes in circumstances since that time
- That it was a confidential letter of advice from the ICO, not a decision notice; the relevant EIR request having been withdrawn.

Review and/or Right to apply to the ICO

If you are dissatisfied with this decision that you can make representations to Steyning Parish Council under its review provisions, and if you remain dissatisfied you should consider the enforcement and appeal provisions available with the Information Commissioner. More information is available on the Council's website or you can contact the Clerk.

https://steyningpc.gov.uk/?page_id=4079

The Information Commissioner is at the ICO

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>

The ICO will normally expect the internal review process to be completed first.

Decision of SPC FoI Panel 14 May 2020

Thank you once again for your patience

Yours Sincerely
John