



Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSraitha Báin
Derry Cittie & Strabane
Destrict Cooncil

Ref: FOI / 2201

19 December 2018

Mr

Email: @gmail.com

Dear Mr

Freedom of Information Act 2000 Request Guest Speakers

I refer to your FOI request and respond as follows:

Request

Would it be possible to get a breakdown of the money paid by the council to guest speakers over the past ten years or if it costs too much to go back that far, then as many years that fall within the price limit for the request.

These would be individuals paid to speak at certain public events etc.

Could this mention the names of the people, be broken down into each year with totals for each year and have an overall total for the entire period.

Response:

I can advise Derry City and Strabane District Council was formed under the Local Government Act (Northern Ireland) 2014 effective 1 April 2015 and replaces the former councils of Strabane District Council and Derry City Council. Any information held is from the commencement of this date.

I can also advise however that whilst Council holds the requested information, it is part-exempt due to Data Protection legislation. Personal names have been omitted in the attached spreadsheet by virtue of the Data Protection Act 2018 and General Data Protection Regulations 2018. The Council believes that any detailed information would be personal data as defined by Section 1(1) of the Data Protection Act (DPA) as it relates to an identifiable individual.

Therefore the information you requested is personal data as described in section 40(2)(a) of the FOIA.

40 (2) Any information to which a request for information relates is also exempt information if:

Derry

C/o Council Offices
98 Strand Road
Derry
BT48 7NN

Strabane

C/o Council Offices
47 Derry Road
Strabane
BT82 8DY

+44 (0) 2871 253 253
info@derrystrabane.com
www.derrystrabane.com

f Derry City & Strabane District Council
@dcsdcouncil

- (a) It constitutes personal data which do not fall within subsection (1), and
- (b) Either the first or the second condition below is satisfied.

Having determined that the information is personal data we then considered whether any disclosure would breach any of the data protection principles in respect of section 40(3)(a)(i) detailed below,

40 (3) The first condition is –

- (a) in a case where the information falls within any of the paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene
 - (i) any of the data protection principles,

The first principle in the Data Protection Act states:

- “1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless,
 - (a) at least one of the conditions in Schedule 2 is met.”

Therefore we have to consider whether it would be fair to disclose the information to the public, especially in light of the fact that the information is disclosed to the wider public not just the specific requester. In short, would it be fair on the individuals in question to disclose their personal information. We do not feel that the individuals in question would reasonably expect their information to be disclosed in this way and therefore it would be unfair on them to do so.

Therefore by disclosing this information the Council risks being in breach of the first principle of the Data Protection Act and therefore the exemption provided by Section 40(2) and (3) of the Freedom of Information Act is engaged. If we were to go on and consider the conditions for processing held in Schedule 2, the only ones relevant in this case which potentially could be met would be the first condition and the sixth condition which is:

- “6. The data subject has given his consent to the processing.”

If you are dissatisfied with our response you have rights of review and appeal; these rights consist of two review processes.

Firstly our internal review procedure is available by contacting:

Derry

C/o Council Offices
98 Strand Road
Derry
BT48 7NN

Strabane

C/o Council Offices
47 Derry Road
Strabane
BT82 8DY

+44 (0) 2871 253 253
info@derrystrabane.com
www.derrystrabane.com

f Derry City & Strabane District Council
@dcsdcouncil

John Kelpie
Chief Executive
Derry City and Strabane District Council
98 Strand Road
Derry BT48 7NN Tel 028 71253253 or email john.kelpie@derrystrabane.com

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF Tel: 0303 123 1113 (local rate) or email: casework@ico.org.uk

I would advise however, the Information Commissioner has indicated that a review will not be undertaken unless the Council has first had an opportunity to re-consider its decision.

Yours sincerely
Lead Finance Officer

Enc



Derry

C/o Council Offices
98 Strand Road
Derry
BT48 7NN

Strabane

C/o Council Offices
47 Derry Road
Strabane
BT82 8DY

+44 (0) 2871 253 253
info@derrystrabane.com
www.derrystrabane.com

 Derry City & Strabane District Council
 @dcsdcouncil