

Nicola Hesketh  
Project and Information Co Ordinator

**Our Ref: FOI4193/NH/03**  
**Please ask for: Nicola Hesketh**  
**Direct dial: 01827 709 587**  
**E-mail: FOImailbox@tamworth.gov.uk**

[Name Redacted]

24<sup>th</sup> November 2016

Dear [Name Redacted]

### **Freedom of Information – Request for Information**

With regards to your recent enquiry for information held by the Authority under the provisions of the Freedom of Information Act. Please find the information you requested below with reference in the box to your original enquiry for clarity where multiple answers are required.

#### **Details of Your Request**

Please can you provide me with the following:

In the event of an emergency/disaster within the area you cover (eg, plane crash, train crash, civil unrest etc) please can you provide me with any document(s) you may have in relation to how your organisation will respond - for example any emergency planning documentation etc.

**The response to your request as follows:**

**Please find attached refusal notice in relation to request FOI4193**

#### **IMPORTANT NOTICE ABOUT USE OF INFORMATION PROVIDED UNDER THE FREEDOM OF INFORMATION ACT (FoIA)**

Most of the information that we provide in response to Freedom of Information Act 2000 requests will be subject to copyright protection. In most cases the copyright will be owned by Tamworth Borough Council. The copyright in other information may be owned by another person or organisation, as indicated on the information itself.

You are free to use any information supplied for your own non-commercial research or private study purposes. The information may also be used for any other purpose allowed by a limitation or exception in copyright law, such as news reporting.

However, any other type of re-use, for example by publishing the information in analogue or digital form, including on the internet, will require the permission of the copyright owner. For information where the copyright is owned by Tamworth Borough Council details of the conditions on re-use can be provided on application to the contact below.

For information where the copyright is owned by another person or organisation you must apply to the copyright owner to obtain their permission.

This council also believes in transparency of information, this includes requests made under the Freedom of Information Act and the Environmental Information Regulations and we reserve the

right to publish these requests in our Disclosure Log along with the response, the requestors name and/or company where the information is requested on a regular basis. Care shall be taken not to publish your email address or physical address where it is considered personal information as defined under the Data Protection Act 1998.

Project and Information Coordinator,  
Tamworth Borough Council,  
Marmion House,  
Lichfield Street,  
Tamworth,  
B79 7BZ

Details of Tamworth Borough Council's internal review and complaints procedure are attached, in accordance with the provisions of the Act.

Yours Sincerely

Nicola Hesketh  
Project and Information Coordinator

**Refusal Notice – Section 38 Health & Safety / S40 – Personal Information Freedom of Information Act 2000**

Section 38 of the Freedom of Information Act 2000 (the Act) provides that:

Information is exempt information if its disclosure under this Act would, or would be likely to—

- (a) endanger the physical or mental health of any individual, or
- (b) endanger the safety of any individual.

(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, have either of the effects mentioned in subsection (1).

Section 40 of the Freedom of Information Act 2000 (the Act) provides that:

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

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

(a) it constitutes personal data which do not fall within subsection (1), and

(b) either the first or the second condition below is satisfied.

(3) The first condition is—

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the M1Data 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, or

(ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and

(b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the M2Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

*It is of the opinion of Tamworth Borough Council that the above exemptions apply to request FOI4193.*

*Tamworth Borough Council has policies, plans and guides to assist in the event the Council needs to act upon an emergency. These plans hold a Government Security Classification of OFFICIAL and are therefore sensitive as they describe how the council will respond to incidents.*

*With the current national security threat assessment being ‘SEVERE’, meaning ‘an attack is highly likely’ and therefore the possibility of a malicious attack being a case of ‘when’ not ‘if’ somewhere in the country, we are reluctant to share these documents with other parties other than professional partners for peer review. In light of the above, the Council will not release to you our Civil Contingencies documentation as you request as it may impact upon our overall response strategy and potentially put at risk our and our wider professional partner organisations staff safety. I hope you can appreciate our concerns and difficulty your request has placed upon the Council and why we have not supplied to you our documentation as you have requested.*

*I can reassure you that the Council has in place robust measures to deal with emergency incidents and conducts regular training and exercise events both internally and with professional partners.*

*Personal information contained within emergency planning is considered exempt under S40 of the FOI Act, as we feel releasing such information will breach one or more of the principles of the Data Protection act 1998, for example individuals have a right for information to be used for limited, specifically stated purposes.*

*Further Information around emergency planning within the Staffordshire area can be found here:*

<https://www.staffordshireprepared.gov.uk/Home.aspx>

*You have the right to request an internal review of our decision to apply this exemption. Details of how to do this are provided in the letter that accompanies this refusal notice.*