

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 March 2014

Public Authority: Maritime & Coastguard Agency (MCA)

Address: Spring Place
105 Commercial Road
Southampton
SO15 1EG

Decision (including any steps ordered)

1. The complainant requested information concerning a life boat service readiness exercise. The information was provided but with redactions of personal data under s40(2) FOIA.
2. The Commissioner's decision is that the MCA correctly exempted information under s40(2) FOIA.
3. The Commissioner does not require the MCA to take any steps.

Request and response

4. On 8 May 2013 the complainant made the following request to the MCA:
"On the 17/4/12 HMCG conducted an "Operational Readiness Exercise" with Lough Neagh Rescue. Please provide me with any email, memo or letters either inbound or outbound, from or to Coastguard that mentions this exercise, its planning or outcomes."
5. On 15 May the MCA informed the complainant that it did not hold the information.
6. The complainant appealed on 1 May. On 5 June the agency informed him that its internal review had located a number of relevant documents. The documents were redacted to remove personal data prior to disclosure to the complainant.

Background

7. Lough Neath Rescue (LNR) is a company limited by guarantee and also a registered charity. It operates lifeboats out of Ardboe and Kinnego in Northern Ireland.

Scope of the case

8. The complainant contacted the Commissioner on 7 June 2013 to complain about the way his request for information had been handled.
9. This decision notice addresses whether information within the documents provided to the complainant was correctly exempted under s40(2) FOIA.

Reasons for decision

10. Section 40(2) FOIA provides an exemption for information which is the personal data of an individual other than the applicant and where one of the conditions at either s40(3) or s40(4) is satisfied.
11. The condition at s40(3)(a)(i) FOIA concerns the disclosure of information to the public which would contravene any of the data protection principles in schedule 1 to the Data Protection Act 1998 (DPA).
12. On 17 September 2013 the Commissioner asked the MCA for a copy of the information that had been withheld from the complainant in order to ascertain whether it had been appropriately exempted from disclosure. The information was supplied on 23 January 2014.
13. Upon examination the Commissioner is satisfied that the withheld information constitutes the personal data of several individuals. It includes personal opinions, sensitive information about the employment status of one individual and references to inaccurate accusations about others.
14. The MCA explained to the Commissioner a number of reasons why the data subjects concerned would be distressed at the disclosure of the requested information. In this regard the MCA also advised the Commissioner that correspondence from the authors of the documents had specifically stated their desire for confidentiality.
15. The Commissioner considers that disclosure would breach the first principle of the DPA which requires that personal data shall be processed

fairly and lawfully. In considering fairness, he has taken into account the nature of the information, the reasonable expectations of the individuals concerned, the potential consequences of disclosure and has balanced the rights and freedoms of the data subjects with the legitimate public interest in disclosing the information.

16. During the course of his investigation, the complainant supplied the Commissioner with links to local reporting of an inquiry by the Charity Commission into LNR. However, the Commissioner considers that whilst the redacted information in this instance may be of interest to the requester, there is no evidence to suggest that there is a sufficiently wider legitimate public interest which would outweigh the rights and freedoms of the individuals concerned.
17. In light of the above the Commissioner is satisfied that public disclosure would be unfair to the individuals concerned and accordingly the information is exempt under s40(2) FOIA.

Right of appeal

18. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Rachael Cragg
Group Manager – Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF