

Request

What professional qualifications does REDACTED hold also team members charged with the assessment of mould in council homes.

Response

All of the Council's Housing Repair Property Inspectors and their managers are qualified to assess damp and mould issues. The Council confirms it holds the information requested about individual members of staff but is withholding it from disclosure under section 40(2) of the Freedom of Information Act 2000 (the Act).

Section 40(2) of the Act states *Any information to which a request for information relates is also exempt information if (a) it constitutes personal data ..., and (b) the first, second or third condition below is satisfied.* Section 40(3A) (a) of the Act states that the first condition is 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.* A person's qualifications are personal data as defined in Article 4(1) of the UK General Data Protection Regulation (GDPR) as they would be *any information relating to an identified or identifiable natural person.*

Article 5 of the UK GDPR contains the Data Protection Principles and Article 5(1)(a) states that *Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency').* Article 6 of the UK GDPR sets out the lawful bases for processing of personal data. The only possible lawful bases that could apply to disclosure under the Freedom of Information Act 2000 would be the consent of the data subject or for the purposes of the legitimate interests pursued by the controller or by a third party. We do not have the consent of the members of staff to disclose their qualifications to the world at large which is the implication of disclosure under the Act; all the Council's responses are published on a Disclosure Log. In order to establish a legitimate interest to disclose the members of staff's qualifications to the world at large, the Council has to consider the interests or fundamental rights and freedoms of the data subject (member of staff) which require protection of personal data. As the members of staff are not in a senior management position (we define that as Assistant Director or above), they would not expect their qualifications to be in the public domain. All staff are appointed in line with a person specification which will detail the experience and qualifications required. As the Council confirms that all of the Council's Housing Repair inspectors and managers are qualified to assess damp and mould issues, there is no legitimate interest that might exist in disclosure of the specific qualifications held that overrides the individuals' data protection rights.

The Council is therefore satisfied that the professional qualifications of team members charged with the assessment of mould in council homes are exempt from disclosure under section 40(2) of the Freedom of Information Act 2000.