



**Wigan<sup>♥</sup>  
Council**

### Request

I would like to ask for the details of all the caretakers of this estate working for Council Wigan (regardless of the areas of activity they perform on Higher Folds):

1. name and surname,
2. job title,
3. work phone number,
4. work email address

A Council Wigan employee (one of the caretakers) was recently on the estate and did not really want to give his business card. This is incomprehensible to me, because there are no legal grounds for prohibiting the disclosure of one's work data to clients for whom services are provided.

### Response

The Council confirms it holds this information 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 name, job title if there is a single postholder, work phone number and work email address are all personal data as defined in Article 4(1) of the UK General Data Protection Regulation (GDPR). 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 member of staff to disclose their name 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 member of staff's name 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 member of staff is relatively junior, they would not expect their name to be in the public domain. They are undertaking their duties on behalf of the Council, not in a personal capacity and therefore their data protection rights override any other legitimate interest that might exist in disclosure. The Council is therefore satisfied that details of all the caretakers of this estate working for Council Wigan are exempt from disclosure under section 40(2) of the Freedom of Information Act 2000.