



## **Request**

I would like to establish whether a dog barking complaint has been made in respect of a dog at the property of ADDRESS REDACTED.

- a. Could you please advise what date the complaint was made?
- b. Where any sound recordings made?
- c. Who or what property number made the complaint?
- d. How the complaint was resolved?

## **Response**

The Council is neither confirming nor denying that it holds information relating to the address you are seeking. In accordance with Regulation 13(5A)(a) of the Environmental Information Regulations we are not obliged to confirm or deny whether such personal data is held if doing so would itself contravene the data protection principles.

The data protection principles are in Article 5 of the UK GDPR and relate to the processing of personal data. A person's address and information relating to them is personal data. The first principle (Article 5(1)(a)) states that Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject. In order to process personal data lawfully one of the lawful bases in Article 6 of UK GDPR must be satisfied. The only lawful basis that could apply in response to this request would be consent (Article 6(1)(a)) or legitimate interest (Article 6(1)(f)). We would not seek the consent of the data subject. Whilst there may be a legitimate interest in knowing if complaints had been made about an address, disclosure under the EIR is deemed to be to the world at large and it would not be fair to disclose information that suggests that the data subject may or may not have been the subject of a complaint. The Council does therefore not have a lawful basis to confirm or deny that it holds the information requested and the exception has been engaged.

For information, our standard procedure for dealing with any dog barking cases begins with an advisory letter being sent out to the household where there is an alleged barking dog. The letter states a complaint has been made about a dog barking in the property, making the alleged owner aware of the issue, and giving them a chance to resolve the issue before we begin any formal investigations.

The complainant is then asked to monitor the barking and report again if they feel the issue has not been resolved. This is when investigations will begin with the possibility of noise monitoring equipment, and abatement notices where necessary.

In most cases, the owners are not aware of the barking/ issue and will resolve without any further complaints.