

03 June 2013

Our ref: RFI 2018

Your ref:



Mail Hub Block B,
Whittington Road,
Worcester
WR5 2LQ

By email: [REDACTED]

Dear [REDACTED]

Access to information request – Refusal notice – Request no RFI 2018

Thank you for your request for information relating to whether the gamekeeper involved in the application to destroy the nest had an unspent work related conviction at the time of the application, which we received on 31 May 2012.

Following careful consideration, I have to inform you that we have decided not to disclose this information. This letter acts as a Refusal Notice.

The information you requested is being withheld as it falls under Regulation 12(3) of the Environmental Information Regulations 2004 which relates to personal information as defined by the Data Protection Act 2000.

Natural England considers information provided by any private individuals that is biographical to be personal information. To disclose whether we have received the information you have requested would breach the First Data Protection Principle.

The First Data Protection Principle says that personal data 'shall be processed fairly and lawfully'. Guidance published by the Information Commissioner, 'Freedom of Information Act 2000, Awareness Guidance No 1', states that when considering fairness, the following questions should be taken into account.

- Would the disclosure cause unnecessary or unjustified distress or damage to the person who the information is about?
- Would the third party expect that his or her information might be disclosed to others?
- Had the person been led to believe that his or her information would be kept secret?
- Has the third party expressly refused consent to disclosure of the information?

As such we are refusing to confirm or deny that we hold had any details about convictions on the licence application you reference.

You may find it helpful to know that it is part of Natural England's standard procedures to ask all licence applicants for information on relevant past convictions. This information is taken into consideration in the assessment of the application. For example, this may lead to a more in-depth assessment of the application or additional monitoring of licensed actions. However the fact that a person has a previous wildlife related conviction (whether spent or not) does not automatically bar them for obtaining a licence and each licence application is judged on its merits.

If you have any queries about this letter, please contact me. As you may be aware, under the legislation should you have any concerns with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, please contact the Access to Information team at foi@naturalengland.org.uk who will instruct a review to take place in accordance with the Regulations.

Under Regulation 11(2) this needs to be done no later than 40 working days after the date of this letter].

If you are not content with the outcome of that complaint, or the review of our decision, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Natural England. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 01625 545 700, www.ico.gov.uk.

Yours sincerely

The Regulation Team
Natural England