

## Response to Request for Information

Reference EIR 000082  
Date 11<sup>th</sup> October 2016

### ***Penalty Charge Notices - Litter***

**Request:**

Thank you for your request for information about the above. We are dealing with your request under the Environmental Information Regulations 2004. In response to your request please find our response below:

Under the Freedom of Information Act 2000 I seek the following information relating to Litter Penalty Charge Notices issued and Litter Bin placement.

1. An extract of data of all Litter related Penalty Charge Notices issued for the period 01 JAN 2016 to 10 OCT 2016:

Date	Time	Officer who served the PCN (First initial and Surname suffice)	Location where the offence took place	Offence (eg General Litter, Discarded Cigarette End, Dog Fouling etc)
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I would prefer to receive this information electronically, preferably as a data set, eg. in Excel, NOT as a PDF.

In response to your request, we have established that the Council does hold the above information, see attached, as not all information is available in a retrievable or reportable format. To undertake this work would exceed the statutory cost limit under Section 12 of the Act.

Section 12 of the Act exempts Public Authorities from providing information where the estimated cost of compliance exceeds the appropriate limit. Any estimate must be undertaken in accordance with the limits set in fees regulations made under Section 12 (5) of the Act.

To clarify further, any further information regarding penalty charge notices, date and time, would be held at individual file level and the Council have no way of collecting this information, other than to go through all the relevant notices issued and manually retrieve, extract and determine information from each file.

These Fees Regulations (SI 2004/3244 Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations) allow for a refusal where the cost of compliance, for local authorities such as the Council, would exceed £450. As a guide, staff time to identify and extract this information is charged at a rate of £25 per hour.

If you can narrow down your request the Council will look into the matter again and may be able to provide the information free of charge because it would cost less than the appropriate limit to do so. Any reformulated request the department receives from you will be treated as a fresh FOI request.

Also, in relation to information on officer who served the PCN, initial and surname, the Council considers that the exemption under Section 40(2) of FOIA applies because you have made a request for information which comprises or contains personal information about a third party.

Section 1 (1) of the Data Protection Act 1998 (DPA) defines "personal data" as "data which relate to a living individual who can be identified -

- (a) from those data, or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller."

For the purposes of Section 1(1) DPA, the Council, as "data controller" holds the officer PCN (e.g. name) which allows the individual officers to be identified. The Council therefore believes that the officer PCN is "personal data" for the purposes of the DPA and Section 1(1) of the DPA is therefore engaged.

Section 40(2) of the FOIA provides an exemption from disclosing information about identifiable individuals where it would breach the DPA. The Council advises that the main issue for considering in deciding whether or not the exemption under Section 40(2) of FOIA applies is whether the disclosure would be fair to the individual concerned. On this basis the Council considers that the disclosure of the requested third party personal information should not be disclosed because disclosure would contravene the first data protection principle under the DPA. This states that:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless -
  - (a) at least one of the conditions in Schedule 2 is met, and
  - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

With regard to the first data protection principle, the Council is of the view that the release of third party personal data to the world at large by publication under FOIA would be unfair, in part because the individual officers concerned would not reasonably have expected disclosure of their personal data to the world at large by publication under FOIA.

In addition, with regard to the first data protection principle, the only condition in Schedule 2 of the DPA that the Council considers may be relevant in the present instance is Condition 6. This requires that: The processing is necessary for the legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.

In the present case, the Council is of the view that the release of third party personal data to the world at large by publication under FOIA would cause unwarranted harm to the interests of the individual officers concerned. The Council is of the view that the release of this third party personal data alongside the data of PCN issue would pose a security risk to the individual officers who may be at risk of harassment by members of the public.

For the reasons set out above, the Council believes that the requested information in respect of individual officer names is exempt under Section 40(3) (a) (i) of FOIA.

2. Copies or web links to any meeting minutes/decisions/emails relating to the positioning of current litter bins around the main entrance to the Central Bus Station; in front of the Sun Beam pub; around the Costas building area.  
There are no web links, maps or minutes regarding litter bin positioning around the bus station and i10 building.
3. Copies or web links to any meeting minutes/decisions/emails relating to the removal of a cigarette bin that was located at the side of the Costas building opposite the Bus Station main entrance.  
The cigarette bin was removed from the side of Costa's due to antisocial behaviour to the bin.

Area	Area Count	Percentage
Lanesfield	<u>1</u>	<u>0.01%</u>
Park Village	<u>97</u>	<u>1.43%</u>
Scotlands	<u>4</u>	<u>0.06%</u>
Bilston	<u>158</u>	<u>2.33%</u>
Ettingshall	<u>4</u>	<u>0.06%</u>
Heath Town	<u>8</u>	<u>0.12%</u>
Blakenhall	<u>122</u>	<u>1.80%</u>
Parkfield	<u>73</u>	<u>1.08%</u>
Fallings Park	<u>9</u>	<u>0.13%</u>
Whitmore Reans	<u>251</u>	<u>3.70%</u>
City Centre	<u>5916</u>	<u>87.22%</u>
Wednesfield	<u>93</u>	<u>1.37%</u>
Oxley	<u>2</u>	<u>0.03%</u>
Bushbury	<u>32</u>	<u>0.47%</u>
Parkfields	<u>1</u>	<u>0.01%</u>
Newbridge	<u>1</u>	<u>0.01%</u>
Tettenhall	<u>11</u>	<u>0.16%</u>
<b>Total :</b>	<b>6783</b>	

Litter Type	Litter Type Count	Percentage
Litter Dep-Cigarette	<u>6267</u>	<u>92.39%</u>
Litter Dep-Food	<u>82</u>	<u>1.21%</u>
Dog Control-Fouling	<u>39</u>	<u>0.57%</u>
Litter Dep-OtherL	<u>387</u>	<u>5.71%</u>
Litter Dep-Printed Lite	<u>8</u>	<u>0.12%</u>