



## Response to Request for Information

Reference      FOI 002489  
Date            03 July 2018

### ***Equal Pay and Unfair Dismissal - Claims***

#### **Request:**

Under Freedom of Information Act, please can you provide me details of cases of financial settlements made following claims for discrimination/ equal pay and unfair dismissal from 2015 to today. Can you provide details on a case by case basis please.

Please provide the date of settlement, type of claim (i.e. racial discrimination), classification of claimant (i.e. administrator) and payout figure.

Your request for information has now been considered and the City of Wolverhampton Council is not obliged to supply the information you requested for the reasons set out below.

Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:

- (a) states the fact,
- (b) specifies the exemption in question and
- (c) states (if that would not otherwise be apparent) why the exemption applies:

In relation to your particular request, the following exemption applies:

#### **Section 40 – Personal Information**

We can confirm that the Council holds information falling within the description specified in your request. However, Section 40(2)(3) of the Freedom of Information Act 2000 allows a public authority to refuse a request if it asks for information 'other than that of the requester' and where disclosure would breach the data protection principles contained in Chapter 2 - Section 34 of the Data Protection Act 2018.

In respect of your request, the Council considers that to reveal this information would compromise the identity of the individuals due to small number of claims and therefore this meets the definition for personal data set out in Data Protection Act 2018 as:

34 - Overview and general duty of controller

- (1) This Chapter sets out the six data protection principles as follows—
  - (a) section 35(1) sets out the first data protection principle (requirement that processing be lawful and fair);
  - (b) section 36(1) sets out the second data protection principle (requirement that purposes of processing be specified, explicit and legitimate);
  - (c) section 37 sets out the third data protection principle (requirement that personal data be adequate, relevant and not excessive);
  - (d) section 38(1) sets out the fourth data protection principle (requirement that personal data be accurate and kept up to date);
  - (e) section 39(1) sets out the fifth data protection principle (requirement that personal data be kept for no longer than is necessary);
  - (f) section 40 sets out the sixth data protection principle (requirement that personal data be processed in a secure manner).

Where information requested under the FOI Act includes information about identifiable individuals, public authorities must consider whether its release would breach the Data Protection Act.

To explain further, to disclosure details of cases of financial settlements made following claims for discrimination/ equal pay and unfair dismissal from 2015 to today made under the provisions of FOI is judged to be a disclosure to the wider world and here the Council must consider disclosure of personal information in line with the provisions of the DPA. We also consider individuals involved would have no reasonable expectation that their claims would be disclosed and published to the world-at-large.

Any disclosure of this information would be judged in this instance to breach DPA principles, notably the first principle – Section 35 (1)(a) that of fair and lawful processing and the second principle – Section 36 (1)(b) requirement that purposes of processing be specified, explicit and legitimate. Details will therefore not be provided in this instance.