

**Freedom of Information request reference number:** 6402.1

**Date of response:** 25 March 2022

**Request:**

*Creative House, SW8*

*I would be grateful if you could also state the source of the enquiries and what it is that generated your interest in this property. At the same time you can also detail where it is that you have received all of these contact details of the persons you have since spoken to.*

[Please note, the names of the individuals have been removed from this request].

**Response:**

By way of background, when a request for information is made under FOI act, a public authority has a general duty under section 1(1) of the Act to inform an applicant whether the requested information is held. There is then a general obligation to communicate that information to the applicant. If a public authority decides that the information should not be disclosed because an exemption applies, it must, under section 17(1) cite the appropriate section or exemption of the Act and provide an explanation for relying upon it.

When the LFB discloses information under the FOI act, it is effectively making the information publicly available. In this sense, I am not looking at whether this information can be disclosed to you an individual, but I am looking at whether it should be disclosed publicly. This should be kept in mind where a request is made for personal data of named individuals.

Where such a request is made the duty to confirm or deny under section [40\(5B\)\(a\)\(i\) FOIA 2000](#) is excluded if the confirmation itself would breach any of the principles set down in the UK General Data Protection Regulation (UK GDPR) and the provisions of the new Data Protection Act 2018. Under GDPR, Article 5(1) sets out the first principle: personal data shall be processed fairly, lawfully and in a transparent manner. Similarly, consideration would need to be given as to what lawful basis you might legitimately use to consider processing the personal data of an individual.

Therefore, I can neither confirm nor deny whether any information relevant to your request is held, because to do so would breach this first data protection principle.

I have to consider whether, if any data were held, it would be lawful or indeed fair to provide you with confirmation of that fact. Similarly, both the lawful and fairness aspect would equally apply to the assessment of any potential disclosure to you, that is, if the information were held. For your information, this exemption is absolute. I am not obliged to consider the hypothetical harm if the information were or were not held in terms of confirming that fact or the disclosure any potential information.

We have dealt with your request under the Freedom of Information Act 2000. For more information about this process please see the guidance we publish about making a request [on our website](#).