

Date: 7th January 2016
Our ref: RFI 3211
Your ref: N/A

Mr Andrew Gardner
Envirotech NW Ltd
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Dear Mr Gardner

Access to information request – Partial Release– Request No 3211

Thank you for your request for information about the GCN mitigation licence and possible Badger licence for the site known as 'Industrial Land off Wentworth Way, Tankersley'. Your request has been carefully considered under the Environmental Information Regulations 2004.

Following a search of our records we can confirm that no Badger licences have been issued for this site.

With regards to the GCN mitigation licence for EPSL 30167C, we have been advised that the paper file for this licence is currently missing. We are continuing with our attempts to locate the file, and if successful, we will ensure the requested information is forwarded to you. Unfortunately, we do not hold electronic copies of the licence and application documents for this site.

However as stated in our previous correspondence with you, we have also located a GCN mitigation licence for Wentworth Industrial Park (ref: EPSM2009-1366F). Please find a CD enclosed which contains copies of the application and licence documents for this site.

For your information any disclosure made under the Regulations is in effect a disclosure to the world at large, as any other applicant would be entitled to the same information on request. As such we have removed all personal information under Regulation 12(3).

Regulation 12(3) – Personal Information

The names, signatures and contact details of private individuals are considered by Natural England to be personal information as defined by the Data Protection Act 1998.

The First Data Protection Principle says that personal data 'shall be processed fairly and lawfully'. Guidance published by the Information Commissioner, 'Personal information (section 40 and regulation 13)', states that when considering fairness in relation to disclosing personal information under FOIA [and EIR] it will usually mean considering:

- whether the information is sensitive personal data;
- the possible consequences of disclosure on the individual;

- the reasonable expectations of the individual, taking into account: their expectations both at the time the information was collected and at the time of the request; the nature of the information itself; the circumstances in which the information was obtained; whether the information has been or remains in the public domain; and the FOIA [and EIR] principles of transparency and accountability; and
- any legitimate interests in the public having access to the information and the balance between these and the rights and freedoms of the individuals who are the data subjects.

When names and contact details are collected from individuals by Natural England we do not inform them that the information will remain confidential or that it may be released, however, we believe that there is an expectation of confidentiality.

The release of names or contact details and any subsequent contact may cause unnecessary or unjustified distress or damage to the individuals if released, and they have a reasonable expectation of confidence.

Natural England is therefore satisfied that the information requested fits the definition of personal data and that its release would be 'unfair' under the meaning of the first Data Protection Principle and should not be released.

Please note that the information we have supplied to you is subject to copyright protection under the Copyright Designs and Patents Act 1988. You may re-use this information (not including logos) free of charge in any format or medium, for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting. You must re-use it accurately and not in a misleading context. The material must be acknowledged as Natural England copyright and you must give the title of the source document/publication. However, if you wish to re-use all or part of this information for commercial purposes, including publishing and the information is not covered by the Open Government Licence you will need to apply for a licence. Applications can be sent to Enquiry Service, Natural England, Block B, Government Buildings, Whittington Road, WORCESTER, WR5 2LQ.

If you have any queries about this letter, please contact the Wildlife Team. 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 Wildlife Team by post at the address provided on this letter or email eps.mitigation@naturalengland.org.uk and we will arrange a Wildlife Officer to contact you.

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 your complaint, 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,
Wildlife Team, Natural England, Bristol