

GREATERLONDONAUTHORITY

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Corporate Management
Our ref: MGLA231015-7678

Date: 30 October 2015

Dear Raphael

Freedom of Information request

Thank you for your further email received on 23 October 2015. We would like to sincerely apologise for the delay in our response and I hope it have not inconvenienced you unduly.

Our response to your request is as follows:

"Under the terms of the Freedom of Information Act, I would like to request a copy of the Mayor of London's full diary for the dates September 2013 to August 2015"

"Also, we would like the information sent to us in an Excel Compatible Format. Unfortunately it has been sent through as a PDF, so could it be sent again please?"

We have already provided you with links to information we have already released for the period January 2013 till February 2015. Because this information is already reasonably available to you other than under this Act, under Section 21 of the Act we are not obliged to reconvert this information into a spreadsheet.

Section 21 of the Act provides

1. Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
2. For the purposes of subsection (1)—
 - (a) Information may be reasonably accessible to the applicant even though it is accessible only on payment, and
 - (b) Information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

3. *For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.*

Please find attached to this email the remaining information held by the GLA covering the remaining period covered by your request covering the period between 18th February 2015 and 31st August 2015.

After reviewing the information, and mindful of the aforementioned Decision Notice, and the latest guidance issued by the Information Commissioner's Office, we have decided that a limited amount of information contained in the Mayor's Diary is exempt information by virtue of the following exemption provisions found under the Act:

- Section 38(1) – health and safety;
- Section 40(2) – personal data; and
- Section 43(2) – commercial interests

The annex to this letter explains why these exemptions are engaged, how they have been applied, and our considerations under the Public Interest Test. However, on balance at this time, we have decided that the above exemption provisions are engaged to withhold a small quantity of information, and the balance of public interest considerations favours withholding this information at this time.

I hope that you find the attached information of interest.

If you have any further questions relating to this matter, please contact me, ensuring that you quote the reference at the top of this letter.

Yours sincerely

Meena Shah

Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the complaints procedure, available at: <http://www.london.gov.uk/mayor-assembly/gla/governing-organisation/freedom-information>

Exemption provisions

Section 38:

(1) Information is exempt information if its disclosure under this Act would, or would be likely to—

- (a) endanger the physical or mental health of any individual, or*
- (b) endanger the safety of any individual.*

Section 40:

(2) Any information to which a request for information relates is also exempt information if—

- (a) it constitutes personal data which do not fall within subsection (1), and...*

(3)(a) in a case where the information falls within any paragraphs (a) to (d) of the definition of data" in section 10) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene —

- (i) any of the data protection principles*

Section 43:

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interest of any person (including the public authority holding it)

How the exemption applies to this information

Section 38 - Health and Safety

The Mayor's diary contains a detailed itinerary of the Mayor's regular scheduled appointments including the dates, times, location and commuting method to and from his home and place of work.

Information that would help someone build up a picture of regular meeting points and precise travel patterns has been redacted under section 38(1) of the Act in order to protect the safety of a prominent public figure who would be likely to be targeted by those with ill-intent.

The risk to the safety of the Mayor is real and significant, as evidenced by a foiled terrorist plot which came to light at the beginning of 2012 where the name and address of the Mayor was discovered in a list of targets.

Section 40(2) - Third-party personal information

Some of the information in the Mayor's diary constitutes personal data as defined in the Data Protection Act because it relates purely to the Mayor's personal life. In order to balance the Mayor's public engagements with his private life, the diary includes details of engagements relating to his personal life to ensure there are no scheduling conflicts.

The Mayor has no reasonable expectation that this information might be disclosed in response to FOI requests.

This exemption is also being applied to withhold the personal data of third party individuals who would have no reasonable expectation that their personal information

would be put into the public domain under such circumstances.

Disclosure of this information would contravene the first principle of the Data Protection Act which states that 'personal data shall be processed fairly and lawfully' as it would clearly be unfair to disclose personal data relating to the Mayor and third parties where they have no reasonable expectation that details relating to their private lives would be made public in response to an FOI request.

Disclosure would be a significant intrusion into their personal lives and there is no legitimate public interest in this information.

The section 40 exemption is not subject to a public interest test.

Section 43(2) - Commercial interests

Section 43(2) of the Act provides that information can be withheld from release if its release would, or would be likely to, prejudice the commercial interests of any person (including the authority holding it).

A very small number of entries in the Mayor's diary contain information that would be prejudicial to the commercial interests of both the Greater London Authority and third party organisations if that information was released into the public domain at this time.

The release of this information at this time may prevent the GLA from achieving value for money on behalf of the public and would potentially prejudice discussions relating to agreements of a commercial nature.

Public interest test

Considerations favouring disclosure

Promoting transparency and a greater understanding of the Mayor's schedule, his appointments, and who he meets and when.

There is also a specific public interest in transparency of public authorities' dealings with commercial bodies, to demonstrate that such dealings are to the public benefit.

Considerations favouring maintaining the exemptions

The Mayor is an internationally renowned public official with the responsibility of leading London's government and it is not in the public interest to compromise his personal safety by providing information which would be likely to contribute to pre-meditated attacks and disrupt the Mayor's ability to travel freely and have meetings in public spaces on a regular basis.

There is no public interest in releasing information that could be used to endanger the safety of an individual.

It would not be in the public interest to release some of this information at this time as it relates to ongoing discussions of a commercially sensitive nature. The best interests of the public – i.e. the public interest – lie in the ability of the GLA to secure commercial arrangements that will be of benefit to the public and ensuring that the GLA achieves the value for money out of those discussions.

The public interest would therefore not be served if the GLA released information that could be used by third parties to either undermine the GLA's commercial position in ongoing commercial discussions, or that of the organisations or individuals with whom we are working.

