

FOI number: **HBC_FOI_20210063**
Date FOI Received: **2/02/2021**
Department: **Environmental Health**
Title: **Environmental offences publication**
Description: **Environmental offences publication**

Request: (As Redacted sent by requestor)

Concerning serious environmental offences such as illegal fly-tipping, the naming and shaming of individuals could be justified so as to increase its visibility and maximise its deterrent effect in the regulation of illegal dumping and unauthorised waste activity.

Under the Freedom of Information Act can you, please provide me with the following information :

- Can you confirm if you publish on your website the names of individuals who are prosecuted or fined for environmental offences (littering, fly-tipping, illegal dumping or unauthorised waste activity)?
 - Please reference the specific parts of the applicable legislation that give you the powers to publish individuals names in the public domain
- Can you confirm if you share with other organisations the names of individuals who are prosecuted for environmental offences (littering, fly-tipping, illegal dumping or unauthorised waste activity)?
 - Please reference the specific parts of the applicable legislation that give you the power to share these individuals names.

Response: (Response as Redacted sent by service)

In issuing an FPN and processing personal data arising from that, the Council is acting under its authority as a law enforcement "competent authority" under Part 3 Data Protection Act 2018 (DPA).

We may not disclose personal details of the recipients of an FPN in an FOI request; these details are exempt. Section 40 (3A) (a) Freedom of Information Act 2000 provides that it is exempt information if disclosure to the public would contravene any of the data protection principles.

The second data protection principle is exercised in this instance. Section 36(1)(b) DPA provides that personal data must not be processed in a manner that is incompatible with the purpose for which it was collected. Your purpose in collecting personal data is to enable you to serve the notice on the correct culprit and keep their personal data in the event that you have to prosecute them.

If a recipient of an FPN wants us to provide them with their own information, this is dealt with by a subject access request under UK GDPR and the DPA.

If you have any queries about the processing of your request then please do not hesitate to contact me. Further information explaining the Council's process for responding to information requests together with a complaints/appeals procedure is available in our reception or via our website at:

<https://www.hertsmere.gov.uk/Your-Council/Official-Publications--Guides--Policies/Access-to-Information.aspx>

The Information Commissioner oversees the application of the Freedom of Information Act. You may contact the Information Commissioner at:

Information Commissioners Office

Wycliffe House, Water Lane

Wilmslow

Cheshire SK9 5AF

Telephone: 01625 545700

Website: www.informationcommissioner.gov.uk

Please include the above reference number on all correspondence related to this request.

Thank you for your request.

Kind regards

Information Services