



09 January 2015

Dear 

Freedom of Information Act 2000 – Information request (ref: FOI_14-250)

We have now considered your request of 24 December 2014 for a copy of CCTV footage of an incident which took place on 30 April 2014, and regret that we are unable to provide this information.

In line with section 17 of the Freedom of Information Act (FOIA) this letter acts as a Refusal Notice. FOIA contains a number of exemptions that allow public authorities to withhold certain information from release. We have applied the following exemption to your request.

Exemption	Reason
s.40(2), Personal information	Disclosure of information would contravene one of the data protection principles

The requested footage contains personal data of at least one individual. When a request is made under FOIA for information that includes personal data we are required to consider whether disclosing those data would breach the data protection principles contained within the Data Protection Act 1998 (DPA).

In considering a disclosure under FOIA, the University must also take into account that any information released under the Act will be placed in the public domain, through our own website disclosure log or by other means.

We believe that public disclosure of the requested information would breach the first data protection principle under the DPA; namely that information must be fairly and lawfully processed, and that the processing also meets one of a set of conditions specified in the Act.

We have followed the Information Commissioner's guidance¹ in assessing whether it is fair to disclose this information under FOIA, and have considered how any legitimate public interest in this information is balanced against the rights and freedoms of the individual(s) concerned.

While the incident occurred in a semi-public place, the recording of the incident has not been made publicly available. The individual(s) appearing in the footage would not have had a reasonable expectation that this recording would be made public,

¹ <https://ico.org.uk/media/for-organisations/documents/1213/personal-information-section-40-and-regulation-13-foia-and-eir-guidance.pdf>

either now or at the time of the incident. We do not think there is a legitimate interest in disclosing this information to the public, and have therefore concluded that disclosure of the CCTV footage would not be fair.

The Information Commissioner's guidance (see footnote 1) notes that if a public authority has determined disclosure would not be fair then it must not release the information under FOIA. In such circumstances there is no need to consider the further processing conditions relevant to the first data protection principle.

You have the right of appeal against this response. If you wish to appeal, please set out in writing your reasons for appealing and send to the above address. You must appeal within 60 calendar days of the date of this letter. Any appeal received after that date will not be considered nor acknowledged. This policy has been reviewed and approved by the Information Commissioner's Office.

You also have a subsequent right of appeal to the Information Commissioner's Office. Further information is available on their website:

https://ico.org.uk/Global/contact_us, or by telephone on 0303 123 1113.

Please quote our reference given at the head of this letter in all correspondence.

Yours sincerely

Ellen Paterson
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University of East Anglia