

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** **28 November 2023**

**Public Authority:** **City of Bradford Metropolitan District Council**

**Address:** **Britannia House  
Hall Ings  
Bradford  
BD1 1HX**

#### **Decision (including any steps ordered)**

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1. The complainant requested information from City of Bradford Metropolitan District Council ("the Council") relating to social workers who used to be employed by the Council.
2. The Commissioner's decision is that the Council is entitled to rely on section 40(2) (personal information) to refuse to provide the requested information.
3. The Commissioner does not require the Council to take any steps.

#### **Request and response**

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4. On 19 September 2023, the complainant wrote to the Council and requested the following information:

"I would like the name, registration SWID number and date last employed at Bradford Council, of all Social Workers NOT included in the recently published list by Social Work England of even date regarding 1,062 individuals you presently employ as registered Social Workers in Bradford. I am only interested

in those Social Workers who are no longer working with Bradford Council but were once employed by you.”

5. The Council refused to provide the requested information citing section 40(2) (personal information) of FOIA as its basis for doing so.

### **Reasons for decision**

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6. This reasoning covers whether the Council is entitled to rely on section 40(2) of FOIA to refuse to provide the requested information.
7. Section 40(2) provides an exemption for information that is the personal data of an individual other than the requester and where the disclosure of that personal data would be in breach of any of the data protection principles.
8. Section 3(2) of the Data Protection Act 2018 defines personal data as:  
“any information relating to an identified or identifiable living individual.”
9. The two main elements of personal data are that the information must relate to a living person and that the person must be identifiable.
10. In this case the Council has withheld the names and registration numbers of social workers who used to be employed by the Council. It has also withheld the date that those individuals ended their employment at the Council. The Commissioner is satisfied that the names of the social workers who used to be employed by the Council both relate to and would identify those social workers.
11. The Commissioner considers that the registration numbers of the social workers who used to be employed by the Council relates to those social workers. He is also satisfied that the social workers could be identified from their registration numbers as by using the registration numbers to search Social Work England’s public register of social workers an individual could find the name of the corresponding social worker.
12. The Commissioner considers that the social workers who used to be employed by the Council could potentially be identified from the date that they ended their employment. He considers that if an individual, such as another Council employee, already knew or roughly knew when a particular social worker ended their employment at the Council, that individual may be able to identify the social worker from the date that they ended their employment. The Commissioner is also satisfied that

the date that a social worker ended their employment at the Council relates to that social worker.

13. Therefore, as the withheld information both relates to and could identify the social workers who used to be employed by the Council, the Commissioner is satisfied that the information falls within the definition of personal data in section 3(2) of the DPA.
14. The next step is to consider whether disclosure of this personal data would be in breach of any of the data protection principles. The Commissioner has focussed here on principle (a), which states:

“Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.”
15. In the case of a FOIA request, the personal data is processed when it is disclosed in response to the request. This means that the information can only be disclosed if to do so would be lawful, fair and transparent.
16. When considering whether the disclosure of personal information would be lawful, the Commissioner must consider whether there is a legitimate interest in disclosing the information, whether disclosure of the information is necessary, and whether these interests override the rights and freedoms of the individuals whose personal information it is.
17. The Commissioner accepts that there is a legitimate interest in ensuring that any social workers who used to be employed by the Council were registered and qualified. The Commissioner accepts that disclosure of the withheld information is necessary, to some extent, to meet this legitimate interest.
18. However, the Commissioner considers that the social workers who used to be employed by the Council would have a strong and reasonable expectation that their name, registration number and information relating to their employment, such as the date that their employment ended, would remain confidential to them and the Council given that they are no longer employed by the Council.
19. Therefore, the Commissioner has determined that there is insufficient legitimate interest to outweigh the fundamental rights and freedoms of the social workers who used to be employed by the Council. Therefore, he considers that there is no legal basis for the Council to disclose the withheld information and to do so would be in breach of principle (a).
20. The Commissioner’s decision is that the Council is entitled to rely on section 40(2) of FOIA to refuse to provide the withheld information.

## Right of appeal

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21. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

22. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
23. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Victoria James**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**