

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 February 2024

Public Authority: City of Bradford Metropolitan District Council
Address: City Hall
Centenary Square
Bradford
West Yorkshire
BD1 1HY

Decision (including any steps ordered)

1. The complainant requested information from City of Bradford Metropolitan District Council ("the Council") about the specialisms of 1063 named social workers. The Council refused to provide the requested information, citing section 40(2) of FOIA (personal information) as its basis for doing so.
2. The Commissioner's decision is that the Council is entitled to withhold the requested information under section 40(2) of FOIA.
3. The Commissioner does not require further steps.

Request and response

4. On 24 July 2023, the complainant wrote to the Council and requested information in the following terms:

"On the 4th of May 2023, I had made the following FOI request to you through the WhatDoTheyKnow (WDTK) website as follows:

Name of all Social Workers in Adult Social Services
[link to previous request on WhatDoTheyKnow]

On the 31st of May 2023, [name redacted] - Strategic Director, Health and Wellbeing for Bradford Council and Director of Integration for Bradford District Community NHS Trust, upheld the section 40 exemption being applied by the Council, as the name of Social Workers being exempt as personal data.

However, in parallel to this request, I had equally made the same exact request to Social Work England, on the exact same date, whom have now, on the 18th of July 2023, disclosed the names of 1063 social workers registered as working in the City of Bradford. Please see the following FOI request on the public platform of WDTK website:

Bradford Social Workers in Adult Services
[link to request on WhatDoTheyKnow]

Question: My FOI request today is for you to break down the 1063 published named social workers to either be working in Adult Social care, Child social services or both.

These named individual social workers can be found here: [link to request on WhatDoTheyKnow]"

5. The complainant also provided the list of the 1063 social workers and their ID numbers.
6. The Council responded on 18 August 2023 and refused to provide the requested information, citing section 40(2) of FOIA (personal information) as its basis for doing so. It upheld this position at internal review.

Reasons for decision

Section 40(2) – Personal information

7. This reasoning covers whether the Council is entitled to rely on section 40(2) (personal information) of FOIA to refuse to provide the requested information.
8. 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.
9. Section 3(2) of the Data Protection Act 2018 defines personal data as:

“any information relating to an identified or identifiable living individual.”

10. The two main elements of personal data are that the information must relate to a living person and that the person must be identifiable.
11. In this case, the withheld information comprises the specialisms (adult social care, child social services or both) of 1063 social workers registered as working in the City of Bradford. Therefore, the Commissioner is satisfied that the withheld information is personal data as the information relates to and identifies the social workers.
12. 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.”
13. In the case of an 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.
14. 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.
15. The Commissioner considers that the complainant is pursuing a legitimate interest and that disclosure of the requested information is necessary to meet that legitimate interest.
16. He has therefore gone on to consider the balance of the legitimate interest in disclosure and the fundamental rights and freedoms of the social workers.
17. The Council argues that although the requested information relates to the social workers' working life rather than their private life, given the sensitive nature of the social worker role, disclosure may impact negatively on the fundamental rights and freedoms of the social workers.
18. Specifically, the Council argues, “if it were made public that an individual has a particular role within a specific area, this may affect their private life as the nature of the information is such that disclosing the name of an employee could cause them harm or distress given the roles sensitive nature for example, if it exposes them to threats or reprisals”.

19. The Council further argues that the legitimate interest in disclosure is based solely on the requester's private concerns and that the impact that disclosure would have on the fundamental rights and freedoms of the social workers is therefore not proportionate.
20. The Commissioner agrees with the Council's assessment that it appears the legitimate interests pursued by the complainant relate to their own private interests rather than any wider public interest. While legitimate interests may be public or private, narrow private interests are more easily overridden in the balancing test.
21. The Commissioner considers the Council to be well placed to assess the impact that disclosure is likely to have on the social workers and the Commissioner accepts that, although a list of all social workers working in the city is already in the public domain, disclosure of a list by specialism to the world at large would increase the risk of the social workers being targeted by members of the public due to their role.
22. The Commissioner therefore considers that in this case, the fundamental rights and freedoms of the social workers to carry out their work without the risk of threats or reprisals from disgruntled members of the public outweighs the limited legitimate interest in disclosure.
23. The Commissioner has therefore determined that there is insufficient legitimate interest to outweigh the fundamental rights and freedoms of the social workers. 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).
24. The Commissioner's decision is therefore that the Council was entitled to rely on section 40(2) of FOIA to refuse to provide the information.

Right of appeal

25. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

26. 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.
27. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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