

Mr P Burns
7 Kings Drive
Preston
Lancashire
PR2 3HN

Phone: (01772) 531116
Fax: (01772) 530949
Email: dataprotection@lancashire.gov.uk

Your ref: PB01710
Our ref: SAR/100/2010
Date: 09 March 2010

Dear Mr Burns,

Access to Information under the Data Protection Act (1998) and the Freedom of Information Act 2000

Further to your letter dated 8 March 2010 please find enclosed copies of the 2 emails that you have requested.

The rest of your enquiry, for copies of all correspondence associated with your previous request, will be dealt with in due course.

During our telephone conversation of 8 March, you asked to be informed of the relevant sections of the legislation that state that requests for information under both the Freedom of Information Act 2000 and the Data Protection Act 1998 apply only to information that is held at the time the request is received.

I can advise that Section 1(4) of the Freedom of Information Act 2000 states:


"The information...which is to be communicated under subsection 1(b), is the information in question that is held at the time when the request is received"

Additionally, Section 8(6) of the Data Protection Act 1998 states:

"The information to be supplied pursuant to a request...must be supplied by reference to the data in question at the time when the request is received"

Should you have any queries about the information provided, or require any further assistance please do not hesitate to contact me.

Yours sincerely,



M Sayles
Access to Information Manager

Sayles, Michael

From: Sayles, Michael
Sent: 16 December 2009 13:18
To: Lister, Diane
Subject: FOI Request - Ref. MS/843/2009; & SAR Ref. 443/2009

Hello Diane,

As you may be aware, we have received a letter (addressed to CC Driver, see attached) from Paul Burns regarding the Fire-fighter's pension scheme. Within the letter he makes a couple of requests that have been passed to me to deal with.

Firstly, he makes an FOI request:

Did she [Diane Lister], before taking the exceptional actions she did in respect of attempting to obtain my DWP records, confirm with your legal department that her intended actions were lawful?

With regard to this, can you confirm initially whether you did attempt to obtain his DWP records, and, if so, did you get any legal advice from anyone within LCC legal services? I just need, at this stage, to know what, if anything, we may hold that is relevant to the enquiry.

Secondly, Mr Burns has made a mixture of a subject access request and an FOI request, in which he asks for:

All correspondence between LCC Pension Services and the DWP in the matter of the illegality of the consent forms, and specifically correspondence reference to myself [Paul Burns] and my DWP subject data

Are you able to collate all correspondence between LCC Pension Services and the DWP that is either about Mr Burns, or about the 'illegality of the consent forms'?

Please could you also advise what, if any, concerns you may have regarding disclosure of any of the information that is held? Please note that, even if it does not end up being disclosed, I will need a complete record of all relevant information that is held, so that I can firstly confirm what we do hold (whether to be disclosed or not), and also so I have it in the event of an investigation by the Information Commissioner over our handling of Mr Burns' request.

As you will be aware, we have very strict timescales in which we must respond, so I'd be grateful if you could let me have your initial response at your earliest convenience.

Should you wish to discuss, do not hesitate to give me a call on x31117.

Many thanks,

Michael

Michael Sayles | Access to Information Manager

Lancashire County Council, PO Box 78, County Hall, Preston, PR1 8XJ
Tel: 01772 531117 | Fax: 01772 530949

Sayles, Michael

From: Lister, Diane
Sent: 17 December 2009 15:03
To: Wisdom, Julie
Cc: Sayles, Michael
Subject: FW: FOI Request - Ref. MS/843/2009; & SAR Ref. 443/2009

Julie

Just to let you know that I've spoken to Michael re his email below and he will be discussing this with Ian Young. However, he may need the letter from DWP which asked us to change the wording on the form and the form itself so I've asked him to contact you.

Diane

Diane Lister, Head of Pensions & Payments
Lancashire County Council
tel:01772 534827
mob: 07887 831270 email :diane.lister@lancashire.gov.uk

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To: Lister, Diane
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