



Sent by email to:

13<sup>th</sup> September 2018

Dear

**Freedom of Information Act 2000 - Request for Information**

I am writing in respect of your enquiry dated 28<sup>th</sup> August 2018 for information held by the Council. Your enquiry is being dealt with under the Freedom of Information Act 2000 (the FOI Act).

1. You requested the following information:
  - 1) *Please can you tell me how many non-disclosure agreements the council has agreed in each year over the past 10 years? These are also known as settlement agreements with a non-disclosure clause included*
  - 2) *Please can you also tell me which department of the council ex-employees or employees who signed the NDAs were working for?*
  - 3) *Please can you tell me the financial value of the non-disclosure agreements over the past 10 years?*
  - 4) *Please can you tell me the reason why the agreement was made? If it is not possible to provide this information please just send the rest of the requested information*
  
2. The following information is released in response to your enquiry. Where information has been withheld, an explanation of why the information has been withheld, is provided. Please familiarise yourself with the informative on re-use of information.

**Question No's 1, 2 and 4 (withheld) [Number of non-disclosure agreements agreed each year over the past 10 years, Department, Reason]**

The Council confirms that this information is held by it. However, this information is exempt by virtue of s.40(2) and 40(3)(a)(i) of the FOI Act. Release of the exempted information is refused on the following grounds:

Withholding the information is necessary to protect information which is personal information. The disclosure of this information to a member of the public would breach the first data protection principle, namely that personal data must be processed fairly.



Due to the small number of cases involved and as a small district level authority with fewer staff than many other public authorities, the release of the information in conjunction with other common knowledge within the community and with colleagues, would make it likely that positive identification of individuals could be made.

**Question No. 3** (*partly released*) [*Financial value of the non-disclosure agreements over the past 10 years*]

The Council is only required to hold payroll records for the current year plus six years. The total financial value of non-disclosure agreements during this time is £60.945.23.

3. I am satisfied in terms of s.17(3)(b) of the FOI Act, that in the circumstances of this enquiry, withholding the information is not outweighed by other considerations, which render it desirable in the public interest to make the information available.
4. If you wish to object to my decision in the first instance, or if you are unhappy with the way in which your enquiry has been dealt with, you may ask for an internal review by initiating the Council's Corporate Complaints Procedure, details of which may be obtained by logging onto the Council's website <http://www.dartford.gov.uk> or telephoning or emailing me. Should you remain dissatisfied with the decision on internal review, you may appeal to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.

I would be grateful if you would address any future correspondence you may have in relation to this matter, to me, quoting the reference number FOI1112. Please familiarise yourself with the informative on the re-use of information.

Yours sincerely

Philippa Curtis  
**HR Manager**



## INFORMATIVE

### **RE-USE OF INFORMATION (through Non-Commercial Government Licence) - Terms and Conditions and Copyright, Designs and Patents Act 1988 (as amended) and Re-Use of Public Sector Information Regulations 2005**

#### **Documents where the intellectual property rights are held by The Dartford Borough Council**

For documents where the intellectual property rights (including but not limited to copyright) are held by The Dartford Borough Council, you are free to re-use any of the documents supplied in any format or medium for the following purposes: for personal use including non-commercial research purposes, private study, internal circulation within your organisation or for the purposes of news reporting. However this is subject to the information contained within the documents being used accurately and not in a misleading context. You should also identify The Dartford Borough Council as the source of the information.

If you would like to re-use our documents for other purposes e.g. publishing them or using them commercially, then you will need to ask for our consent. You can make a formal application for re-use by writing to or emailing:

The Freedom of Information Officer  
Dartford Borough Council  
Civic Centre  
Home Gardens  
Dartford  
Kent DA1 1DR  
DX: 142726 DARTFORD 7  
Email: [foi@dartford.gov.uk](mailto:foi@dartford.gov.uk)

Full guidance on how to make an application to re-use our information can be found in our Re-Use Policy at [www.dartford.gov.uk](http://www.dartford.gov.uk)

#### **Documents where the intellectual property rights are held by a Third Party**

For documents where an organisation or person other than The Dartford Borough Council holds the intellectual property rights, you will need to apply direct to the intellectual right property holder for consent to reuse the documents. Where possible, we can help you identify the intellectual property right holder and their contact details.

Compliance with intellectual property right legislation is solely your responsibility and Dartford Borough Council accepts no liability for infringement of any intellectual property rights, including but not limited to copyright.

#### **Equality and Diversity**

Dartford Borough Council aims to eliminate discrimination in respect of age, disability, gender assignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation and will ensure that its services are free from bias or discrimination and that all those involved in the licence application process are treated fairly and with respect and the process will be conducted in a manner appropriate to the individual, whatever their background.

#### **Additional Help**

If you need additional support, please let us know as soon as possible. If you have difficulty reading this Licence, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language. Please contact our Customer Services on 01322 343434 or email [customer.services@dartford.gov.uk](mailto:customer.services@dartford.gov.uk). We welcome calls via [Typetalk](http://Typetalk)