



Information Governance

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Please contact Information Governance
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Date: 22 October 2020

Dear Sir/Madam

**Freedom of Information Act 2000 (FOIA)
Request ID: REQ07376**

Thank you for your request for information relating to communications between senior Council members and Wasps.

I am seeking information from January 2019 until the present day (27/7/20).

Please provide the following in relation to communications sent / received between officials of Wasps and its subsidiaries and senior council figures (leader, cabinet, chief executive and officers):

Any emails, text / whatsapp messages.

Any record of meetings between Wasps officials and senior council members / officers – including details of when / where they took place.

Any notes / recordings of meetings between Wasps officials and senior council members / officers.

Following our request for clarification made under Section 1(3) of the Freedom of Information Act does where we have requested;

It has been established that to conduct a search of emails using the parameter of 'Wasps' will likely generate a considerable volume of emails, of which not all will relate to the nature of your request and as such falls outside of the scope of 'reasonable and proportionate'. Therefore, in order for us to be able to comply with our obligations, please clarify the nature of the Information that you are requesting and the officers that you believe would have been involved in correspondence. This will allow for a concentrated

search to be carried out without detracting from the information we provide and will assist in a timely response. You have responded as follows:

I am seeking information from January 2020 until the present day 10/8/20.

Please provide the following in relation to communications sent / received between officials of Wasps and its subsidiaries and senior council figures (leader / chief executive):

Any call logs, emails, text / whatsapp messages.

The emails held by the Council are attached herewith, please see REQ07376 Emails_redacted.

We can confirm that the Council does not hold any text / Whats App messages.

Where some information has been redacted (removed) this information is exempt under the following exemptions in the FOIA:

**SECTIONS 40(2) AND 40(3) – PERSONAL INFORMATION
SECTION 43(2) – COMMERCIAL SENSITIVE INFORMATION**

Sections 40(2) and 40(3)

This exemption covers the personal data of third parties (anyone other than the requester) where complying with the request would breach any of the principles in the Data Protection Act.

This has been done as the Council considers that this information meets the definition for personal data set out in Section 3(2) and 3(3) of the Data Protection Act 2018 ("DPA") as:

(2) "personal data means any information relating to an identified or identifiable living individual (subject to subsection (14)(c))"

(3) "Identifiable living individual" means a living individual who can be identified, directly or indirectly, in particular by reference to –

(a) an identifier such as a name, an identification number, location data or an online identifier, or

(b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual."

The Council thus considers that the requested information is caught by the exemption to disclosure contained in Section 40 (2) of the FOI Act and the related first condition of Section 40 (3).

Section 43(2):

Section 43(2) exempts information from disclosure where disclosure of that information would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity).

It is the Council's position that the provider and its own commercial interests would be prejudiced and/or would be likely to be prejudiced by the disclosure of the requested information.

The exemption at s 43(2) is qualified, and therefore subject to a public interest test. In applying the public interest test the Council have given careful consideration to the arguments for and against disclosure.

Part 1 – Arguments in Favour of Disclosure

1. Promote accountability and transparency for the Council's decisions and in its spending of public money.
2. Assist the public to understand and challenge our decisions.
3. Inform the public of the activities carried out on their behalf, allowing for more user involvement and collaborative decision making.
4. Enable the public to better scrutinise the public monies spent.

Part 2 – Arguments Against Disclosure

1. There is a public interest in allowing public authorities to withhold information which if disclosed, would reduce providers' ability to compete in a commercial environment, for the reasons given above.
2. The successful providers operate in a competitive market. If prejudicing the commercial interests of the successful providers in the market would distort competition in that market, this in itself would not be in the public interest.
3. There is a public interest in protecting the commercial interests of individual companies and ensuring they are able to compete fairly.
4. Disclosure of information may cause unwarranted reputational damage or loss of confidence in the Council.

The Council considers that the possible benefits of disclosure are outweighed by the real risk of causing prejudice to the commercial interests of the provider concerned and the Council itself. It is more probably than not that disclosure would prejudice both the provider and the Council's commercial interests.

Any record of meetings between Wasps officials and senior council members / officers – including details of when / where they took place.

Details of meetings held are as follows:

| Date | Meeting Title | Location | Senior Council Attendee |
|------------------|----------------------|--------------------------------|--------------------------------|
| 26 February 2020 | Catch Up | Telephone | Chief Executive |
| 05 March 2020 | Catch Up | Telephone | Chief Executive |
| 14 May 2020 | Catch Up | Telephone | Leader |
| 09 June 2020 | Catch Up | Telephone | Leader |
| 25 June 2020 | Masterplan | Broad Street Training Facility | Leader |
| 03 July 2020 | Catch Up | Telephone | Chief Executive |

Any notes / recordings of meetings between Wasps officials and senior council members / officers.

The Council does not hold any notes or recordings of these meetings.

Should you wish to make any further requests for information, you may find what you are looking for is already published on the [Council's web site](#) and in particular its FOI/EIR [Disclosure log](#), [Council's Publication Scheme](#), [Open Data](#) and [Facts about Coventry](#).

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email casework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

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