



Information Governance Team

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30 March 2022

Dear Sir/Madam

Freedom of Information Act 2000 (FOIA)

Request ID: FOI405150564

Thank you for your request for information relating to HGV class 2 Drivers.

You have requested the following information:

- **How much are HGV class 2 drivers paid by the council.**
- **No personal identifying information is required but details for each driver.**
- **FT or PT; hours per week; hourly rate; overtime rate; annual pay.**

We can confirm that we hold the information you have requested. Please find the information as follows below, except for information in respect of:

- Hourly rate and overtime rate

We have attached Annex A which provides details on the amounts paid to HGV Class 2 drivers in the period January to December 2021.

All employees included on this list are full-time, contracted to work 37 hours per week.

Some of the information in the spreadsheet at Annex A has been redacted. The Freedom of Information Act 2000 (FOIA) contains a number of exemptions that allow public authorities to withhold certain information from release. We have applied the exemption at s40(2) of the FOIA to the information that is being withheld in the spreadsheet at Annex A.

Section 40(2) of the FOIA states that personal data relating to third parties (i.e. a party other than

the person requesting the information) is exempt information if disclosure of the requested information would be contrary to the requirements of the UK General Data Protection Regulation (UK GDPR).

Section 40(2) is an absolute exemption not subject to the Public Interest Test.

Provision of information in response to an FOIA request is effectively a public disclosure to the "world at large". We must take into account that any information released under FOIA will be placed in the public domain, through our own disclosure log or by other means.

In this case, we believe that by disclosing the information we have withheld at Annex A we would risk revealing information that would allow individuals involved (i.e. employees who are New Starters, or are on reduced pay due to sick leave) to be identified. In such a case we would be disclosing personal information about those individuals. As the hourly rate is dependent on the employee's current pay point in the pay grade and can vary by employee, disclosure of this would lead to identification of individuals and has therefore been withheld.

There are only a small number of employees who are New Starters, or are on reduced pay due to sick leave, making the risk of identification even higher.

Disclosure of the requested information may allow colleagues in the waste refuse to work out who how much New Starters and those on reduced pay due to sick leave are being paid. They would therefore have access to information about individuals, that would not otherwise be shared with them.

When a request is made under FOIA for information that includes personal data we are required to consider whether disclosing those data would breach the data protection principles contained within Article 5(1) of the UK General Data Protection Regulation (UK GDPR).

We have followed the Information Commissioner's guidance in assessing whether it is fair to disclose this information under FOIA. This involves considering the nature of the information, the expectations of and potential harm (of disclosure) to the data subjects, and how any legitimate public interest in this information is balanced against the rights and freedoms of the data subjects.

We believe that revealing that an individual had been involved in such an investigation would be contrary to the requirements of Article 5(1)(a) of the UK GDPR; namely that information must be processed lawfully, fairly and in a transparent manner in relation to the data subject. We note that none of the requested information is publicly available, and indeed great care is taken by those involved to maintain confidentiality.

The data subjects would therefore not have had a reasonable expectation that this information would be made public, either now or at the time the information was created. Additionally, we have not identified a lawful basis that would allow or require us to disclose this information. We have therefore concluded that disclosure of this information would be in contravention of the UK GDPR.

With regards to the overtime rate, this information is not held in an existing report. We have estimated it will exceed 18 hours work to locate, extract, and analyse the information to answer this part of your request.

Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse a request if

the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004:

"12 Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit".

Overtime rates are dependent on the employee's current pay point in the pay grade and when the overtime is worked. An analysis that might be undertaken in order to answer your request would require a manual trawl of all relevant staff members' (approximately 80 people) which will exceed 18 hours.

The Council believes that the analysis required to answer this part of the request would be unreasonable and that it would take a disproportionate amount of time to extract and collate the information requested. Taking into account the likely costs of searching the records and the number of people that would need to be involved, we believe that the cost of complying with your request would far exceed the appropriate limit of £450 (equivalent to 18 hours of work at £25 per person, per hour). Time would need to be spent:

- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

Further time would then be needed to put the information together in an understandable format for disclosure under FOIA. At a modest estimate, approximately 15 minutes will be needed to be spent per person on the above activities and this would amount to 20 hours.

We are therefore of the opinion that Section 12 of the FOIA is engaged.

If you would like to discuss ways of narrowing your request to bring it within the cost threshold, please contact us.

The supply of information in response to a FOI/EIR request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

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 icocasework@ico.org.uk.

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

Yours faithfully

Information Governance

