



Northamptonshire Fire and Rescue Service

3 May 2023

Northamptonshire Fire and Rescue Service FOI 2179/23 - Mental Health and Cancer Related Sickness

Request:

1. Numbers of members (not names) currently off work for over 6 months, with a reduction in fire and rescue service pay, as a consequence of mental-ill health not directly attributable to fire service duties.
2. Numbers of members (not names) currently off work for over 6 months, with a reduction in fire and rescue service pay, as a consequence of cancer not directly attributable to fire service duties.

Response:

1. Less than 5 - More detailed information is refused, please see the explanation below.
2. Less than 5 - More detailed information is refused, please see the explanation below.

Your request for information has now been considered. Northamptonshire Fire and Rescue Service is not obliged to provide some of the information that you have requested under the Freedom of Information Act 2000. Please take this letter as a Refusal Notice to this part of your request.

Section 17 of the Freedom of Information Act 2000 requires that, Northamptonshire Fire and Rescue Service, when refusing to provide such information (because the information is exempt) is to provide you the applicant with a notice which:

- a) States that fact
- b) Specifies the exemption(s) in question and
- c) States (if that would not otherwise be apparent) why the exemptions apply.

In relation to your request, the following exemption applies:

Section 40(2) - (Third Party) Personal Information

Section 40 is a class-based exemption and as such legislators have identified that there would be harm in disclosure and there is no requirement to evidence this or consider the public interest

Northamptonshire Fire and Rescue Service
Service Headquarters
Darby House
Darby Close
Park Farm Industrial Estate
Wellingborough
NN8 6GS
w. www.northantsfire.gov.uk
t. 01604 797000





Northamptonshire Fire and Rescue Service

test. However, as Section 40 is engaged, and in order to make the exemption absolute, we need to evidence that a data protection principle would be breached by revealing this information. In this case, it would be the first principle that is breached inasmuch as information must be fairly and lawfully processed.

FOIA disclosures are to the world at large and will remain in the public domain indefinitely. Therefore, provision of this information would exceed the original requirement for the processing of the information and would not be lawful or fair to the individuals in question.

Any information that relates to an individual, or from which an individual could be identified, constitutes personal data and to release information that constitutes personal data into the public domain contravenes the Data Protection Act 2018. Personal data is defined under the Data Protection Act as data that is biographical in nature, has the applicant as its focus and/or affects the data subject's privacy in his or her personal, professional or business life.

This data relates to Special Category information as it relates to someone's health. Due to its sensitivity, the conditions for processing special category data are very restrictive and generally concern specific, stated purposes. Consequently, only two are relevant that would allow lawful disclosure under FOIA. These are in Article 9(2) of the GDP i.e. explicit consent or where the processing relates to personal data which has clearly been made public by the individual concerned.

Principle a of Article 5(1) states that information must be processed fairly, lawfully and in a transparent manner. In this case the individuals would have a reasonable expectation that information would not be processed if it resulted in their identification, or equally led an individual to be wrongfully identified as a consequence.

Unless the individual were to make this information public themselves, the information requested would be held by Northamptonshire Fire and Rescue Service in the strictest confidence. Northamptonshire Fire and Rescue Service would not routinely disclose confidential information provided by individuals and would not look to do so in response to any FOIA requests.

By way of explanation, due to the very low numbers involved, and the number of individuals employed by Northamptonshire Fire and Rescue Service, although they may not be readily identifiable to the wider public, they would very likely be known to colleagues or those who worked with them if this information was also released.





Northamptonshire Fire and Rescue Service

For context, at 31 March 2023, there were 248 Wholetime staff, 190 Retained staff and 18 Control staff employed by Northamptonshire Fire and Rescue Service.

In accordance with the Act, this letter represents a Refusal Notice for this part of the request.

APPEAL RIGHTS

If you are unhappy with how your request has been handled or you do not think the decision is correct, you have the right to ask for a review of the decision.

Prior to lodging a formal appeal you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again

The quickest and easiest way to have the decision looked at again is to telephone the case officer. That person will be able to discuss the decision, explain any issues and assist with any problems.

Appeal

If you are dissatisfied with the handling procedures or the decision that the Service have made under the Freedom of Information Act 2000 (the Act) regarding access to information, you can lodge an appeal to have the decision reviewed.

Appeals should be made in writing within 20 days of receipt of your reply and either emailed to freedomofinformation@northants.police.uk or addressed to:

**Freedom of Information Manager
Information Unit
Northamptonshire Police Headquarters
Wootton Hall
Northampton
NN4 0JQ**

Where possible the Service will aim to respond to your appeal within 20 working days. However meeting this time scale will depend upon the circumstances and complexity of the issue.

Northamptonshire Fire and Rescue Service
Service Headquarters
Darby House
Darby Close
Park Farm Industrial Estate
Wellingborough
NN8 6GS
w. www.northantsfire.gov.uk
t. 01604 797000





Northamptonshire Fire and Rescue Service

The Information Commissioner

After lodging an appeal with the Service, if you are still dissatisfied with the decision, you may make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner please visit their website at www.ico.org.uk Alternatively, telephone or write to:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113

Northamptonshire Fire and Rescue Service
Service Headquarters
Darby House
Darby Close
Park Farm Industrial Estate
Wellingborough
NN8 6GS
w. www.northantsfire.gov.uk
t. 01604 797000

