

From: Foi Enquiries

Sent: 02 August 2019 14:36

Subject: REV-19-0883 - Vandalism at Schools

PLEASE NOTE THAT THE ACCOMPANYING DOCUMENTS ARE AVAILABLE ON REQUEST. PLEASE CONTACT foienquiries@aberdeencity.gov.uk.

Thank you for your email of 10 June 2019 requesting that Aberdeen City Council (ACC) review its handling of your request as we failed to provide a response to you within the statutory timescale. Please accept our sincere apologies for delay in getting back to you. I can now advise you that we have undertaken an internal review of our decision and the findings are set out below.

Review details

Please can you provide a breakdown of the following for each of the past five financial years.

- **How many incidents of vandalism have been recorded at schools in Aberdeen and the month that each occurred.**
- **Which type of vandalism was recorded for each incident (e.g. broken windows, damage to playground equipment etc?)**
- **How much money has been spent on repairs for each of the incidents.**

Review outcome

Please find enclosed the spreadsheets include the month/date that each incident of vandalism occurred and the type of the vandalism.

ACC is unable to provide you with information on **how many incidents of vandalism have been recorded at schools in Aberdeen** as it is not held by ACC. In order to comply with its obligations under the terms of Section 17 of the FOISA, ACC hereby gives notice that this information is not held by it.

ACC is unable to provide you with information on third party names and personal details, as well as the names and contact number of ACC Officers who are below Chief Officer level have been redacted as it is exempt from disclosure. In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby gives notice that we are refusing your request under the terms of Section 38(1)(b) in conjunction with Section 38(2)(A)(a) – Personal Information - of the FOISA.

In making this decision ACC considered the following points:

ACC is of the opinion that Section 38(1)(b) applies to the information specified above as the information in question is personal information relating to living individuals, of which the applicant is not the data subject.

ACC is of the opinion that Section 38(2A)(a) applies, as we consider that disclosure of this information would be a breach of the 'lawfulness, fairness and transparency' principle. These individuals have not

consented to the disclosure of their information, and ACC does not consider that they would expect ACC to release this information about them into the public domain under the FOISA.

The publication of repair cost in relation to each incident would result releasing the financial information relating to a third party contractor which are commercially sensitive, therefore, ACC is unable to provide you the required details as it is exempt from disclosure. In order to comply with its obligations under the terms of Section 16 of the FOISA, ACC hereby gives notice that we are refusing your request under the terms of Section 33(1)(b) – Commercial Interests - of the FOISA.

Do commercial interests exist in relation to the information?

ACC considers that commercial interests exist because it comprises information in regards to a third party contractor financial information.

Please describe how disclosure of the requested information would cause the level of harm required for this exemption?

Disclosure of this information into the public domain would highly affect the third party contractor specially their pricing information. ACC considers that, were we to release this information, we would prejudice our commercial relationship with them who did not agree for their information to be made public.

What are the public interest arguments?

The public must be reassured that public bodies are spending taxpayers' money wisely. In particular, the public has the right to know how much money is being contributed, and the nature of the services provided.

However, ACC is of the view that in this case, the public interest lies in withholding the information as disclosure would prejudice ACC's commercial relationships and future contractual negotiations with suppliers and after considering all the circumstances of the case, the public interest is best met by applying Section 33(1)(b).

As a duty to provide support and assistance, please see below the total repair cost in each financial year:

2014-15: £143,377.27
2015-16: £161,364.07
2016-17: £151,886.81
2017-18: £182,913.98
2018-19: £101,875.30
2019-20: £22,510.00

What happens next?

If you are not satisfied with the outcome of your request for an internal review, you can apply directly to the Office of the Scottish Information Commissioner (OSIC) for a decision. Generally, OSIC cannot make a decision unless you have been through the ACC's review procedure. To make an application to OSIC, please write or email OSIC at:

The Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife

KY16 9DS

www.itspublicknowledge.info

An application to OSIC must be made in writing within six months of receipt of ACC's Review Decision Notice. When applying to OSIC for a decision you should give your name and address for correspondence. Please note that OSIC will not be able to investigate if you have not used your real name to make your information request. You must also specify:

- which request for information your requirement for review relates to
- the reason that you asked ACC to carry out a review of your request
- the reason why you are not satisfied with ACC's review outcome decision

The Commissioner will contact ACC and invite its comments on your application. Thereafter (if no settlement has meantime been reached), the Commissioner must reach a decision within 4 months of receiving your application, or within such other period as is reasonable. You will receive written notice of the outcome of the Commissioner's decision.

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of the decision has been issued.

Yours sincerely,



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