



NORTH YORKSHIRE FIRE & RESCUE SERVICE

Your reference:

My reference: CAO/FOI/01635

North Yorkshire Fire & Rescue Service,
Headquarters,
Thurston Road,
Northallerton,
North Yorkshire, DL6 2ND

When telephoning please ask for:
Sarah Dale, Central Administration Office

Tel: 01609 780150
Fax: 01609 788520
Email: CAO.ServiceInformation@northyorksfire.gov.uk

2nd May 2017

Dear Anon,

Re: Freedom of Information Request – 01635 - Public Sector Pension Scheme Payments

With reference to your Freedom of Information request dated 11th April, the information you requested is detailed below. You asked:

During the most recent financial year for which these data are available, could you please tell me the number of pensioners in payment within the public sector pension scheme you administer who were receiving a pension that was greater than the following amounts:

- a) £24,000 per year
- b) £50,000 per year
- c) £100,000 per year

North Yorkshire Fire and Rescue Service made payments to 556 pensioners in 2016/17. Of these 91 received more than £24,000 per year but less than £100,000.

The numbers of individuals that received more than £50,000 per year but less than £100,000 is so low that I am exempting disclosure of this information as individuals may be identified. North Yorkshire Fire and Rescue considers that the information requested is exempt under Section 40 (2) and (3) of the Freedom of Information Act relating to personal data of a third party, the disclosure of which would contravene the first data protection principle. This states that personal data should be processed fairly and lawfully. Section 40(2) and (3) of the Act therefore apply.

I have set out my reasoning for applying this exemption below:

Personal Data

For section 40 (2) to apply the requested information has got to be personal data of another person (third party). Personal data is defined by section 1(1) of the Data Protection Act 1998:

“personal data” means data which relate to a living individual who can be identified –

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual”

It is clear that the requested information does relate to living individuals (the pensioners concerned) and that those individuals can be identified by that information and other information in the possession of the North Yorkshire Fire and Rescue Service (the data controller).

Breach of the Data Protection Principles

Having decided that the requested information is personal data I have gone on to apply the second test under section 40 (2), which is whether one of the conditions within section 40 (3) or 40 (4) apply. In this case the relevant condition is section 40 (3) (a) (i), this is where the disclosure of the information would breach any of the data protection principles. In this case disclosure of such information would breach the first, second and sixth data protection principle.

The most relevant principle is the first one which states:

“Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –

- a) at least one of the conditions in Schedule 2 is met, and*
- b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.*

In considering fairness to the individual's concerned, I have first considered whether disclosure of the requested information would lead to the identification of the individuals to whom the information relates. If the answer is in the affirmative, then it would be unlikely that such a disclosure (constitutes processing) could be considered fair.

I have concluded that by providing the number of pensioners receiving over £50,000 per year in pension payments increases the likelihood of an individual being identified as the numbers are so low.

In deciding whether the subjects of the requested information are identifiable I have taken account of various general factors, including other information already in the public domain (whether published by the Service or by others, or information known in the community), and other information not currently in the public domain but likely to be placed in the public domain in the future, including as a result of freedom of information requests.

Secondly, I have considered whether the disclosure of the personal data would be within the reasonable expectations of the individuals concerned. I have concluded that the individuals would have a strong expectation that the personal data used to calculate pension payments once they have retired from the fire service would purely be used for this purpose and not be processed further. Additionally, disclosure of the information would compromise an individual's privacy, especially given that they would have a reasonable expectation that the Service would hold this information in confidence under the implied duty of confidence between an employer and a past employee.

If you require any further information please do not hesitate to contact the Central Administration Office on 01609 780150.

If you are in any way unhappy with the service you have received in relation to your request and wish to make a complaint, please contact The Complaints Officer at North Yorkshire Fire and Rescue Service. Our complaints procedure is available on our website at www.northyorksfire.gov.uk.

If you are still not satisfied following this you can make an appeal to the Information Commissioner who is the statutory regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow, Cheshire
SK9 5AF
Telephone: 01625 545 700, www.ico.gov.uk

Yours sincerely

Sarah Dale
Central Administration Office Manager and Information Governance Officer