

Derby City Council – Response

ID Reference FOI695898220

Date 16/09/2024

I am requesting information about employee representative bodies' ability to inform and influence the development and delivery of the council's Climate Action Plan.

By employee representative bodies we include the council's recognised trade unions as well as other forms of non-union employee representation (ex. staff associations and employee forums).

In particular, please supply me with information relating to the following questions:

	Climate Change Team	Human Resources (HR)
a. Does the council have any policies, procedures or agreements in place that enable employee representative bodies to influence the development and delivery of the council's Climate Action Plan? If so, please share details of these policies, procedures or agreements.	The Council has established a Colleague Climate Change Network, which is open to any Derby City Council or Derby Homes employee. It meets bi-monthly.	Whilst we don't have a formal policy in place for this, we do engage with Trade Union colleagues as and when required. For example, we recently consulted with Trade Union colleagues on the revised Business Travel Policy, through our Policy Working Group. Please see response to question b
b. Have employee representative bodies contributed to any recent consultations related to the delivery of the council's Climate Action Plan? If so, could you please share any relevant	Yes a)The new Climate Change Action Plan is in development; it was presented to the Colleague Climate Change Network on the 5th September for comment and feedback - see agenda below. This meeting of the	Yes a) Please see attached extract from the minutes and associated presentation slides of the Policy Working Group meeting on 2 February 2024 with the trade union representatives about the consultation on the Business Travel Policy.



<p>document, dated from 1 January 2023, including:</p> <p>a) Meeting minutes;</p>	<p>CCCN will include the below agenda items: 1) Council's draft Climate Change Action Plan for 2024-2026 - presentation by Climate Change Team followed by discussion with Network. This is the overarching strategic document which takes a new approach to action on climate change and decarbonisation, both within the Council and in partnership across the city. 2) An introduction to the Climate Ambassadors scheme. 3) Discussion about the identity of climate change within the Council and how we can increase awareness and engagement with the climate agenda both at the Council and with city partners. The session will be hybrid.</p>	<p>Regulation 13(2) Personal data third party</p> <p>Regulation 13 states:</p> <p>13.— (1) To the extent that the information requested includes personal data of which the applicant is not the data subject and as respects which either the first.... condition below is satisfied, a public authority shall not disclose the personal data.</p> <p>(2) The first condition is—</p> <p>(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 2018, that the disclosure of the information to a member of the public otherwise than under these Regulations would contravene—</p> <p>(i) any of the data protection principles; or</p> <p>(ii) section 10 of that Act (right to prevent processing likely to cause damage or distress) and in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing it.</p> <p>Personal data is defined in section 1(1) of the Data Protection Act (DPA) as: ‘data which relate to a living individual who can be identified –</p> <p>(i) from those data, or</p> <p>(ii) 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</p>
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		<p>individual and any indication of the intention of the data controller or any other person in respect of the individual.'</p> <p>The two main elements of personal data are that the information must 'relate' to a living person and that the person must be identifiable. Information will relate to a person if it is about them, linked to them, has some biographical significance for them, is used to inform decisions affecting them, and has them as its main focus or impacts on them in any way.</p> <p>In this instance, the information is clearly personal data as it relates to the names of employees or third parties included in the minutes.</p> <p>Personal data is exempt if the condition set out in Regulation 13(2) above is met.</p> <p>In this case we have considered whether disclosure of the personal data would breach the first data protection principle, which states that: '<i>Personal data shall be processed fairly and lawfully.</i>' In considering the first data protection principle and in particular the fairness of disclosure I have considered the relevant factors below.</p> <p>Likely expectation of the data subject</p> <p>In relation to the employees/third party it would not be fair and they would have the expectation that their personal data would not be disclosed into the public domain, given that disclosure would be to the world at large.</p>
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		<p>There is no lawful basis for disclosing the personal into the public domain and the details of what was discussed at the meeting has been provided.</p> <p>The legitimate public interest</p> <p>We accept that releasing this information would reinforce the Council's commitment to being an open and transparent organisation, serving to maintain public confidence in the Council, there is therefore a public interest in this information being disclosed.</p> <p>However on balance we do not consider that the legitimate public interest would outweigh the interests of the data subjects in this case and that it would not be fair to put their personal information into the public domain.</p> <p>Based on the above we are therefore of the view that it would not be fair/lawful to disclose the names of employees/third parties in the minutes and to do so would breach the first Data Protection principle, which requires us to process personal data fairly and lawfully.</p> <p>It is for this reason that we have withheld this information under Regulation 13(2) of the Environmental Information Regulations. The relevant personal data has been redacted from the minutes.</p>
b) Reports;	Information not held	
c) Invitations to events;	Information not held	

d) Other relevant documents	Information not held
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Please note, the following applies, if the response includes council officers (or other officers) names.

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