

Derby City Council – Response
ID Reference FOI649361028
Date 18/12/2024

Information Requested	Response
1. Between which years did the Council fly the Rainbow flag (six horizontal colours) on flag poles in the curtilage of Derby Council house?	2008- 2021
2. What year did the Council switch from the Rainbow Flag to the Progress Pride flag on public flag poles in the curtilage of Derby Council house?	2021
3. On what dates of the year has the council flown the Progress Pride Flag since starting to fly it? State the purpose for each date (Pride Month, Trans awareness etc.).	<p>February all month each year – LGBTQ+ History Month</p> <p>26 April each year - Lesbian Visibility Day</p> <p>17 May each year -International Day against Homophobia, Biphobia and Transphobia</p> <p>24 May each year – Pansexual Visibility Day</p> <p>30 May 2021- Derby Pride Rainbow Walk</p> <p>29 May 2022- Derby Pride Rainbow Walk</p> <p>28 May 2023- Derby Pride Rainbow Walk</p> <p>26 May 2024- Derby Pride Rainbow Walk</p> <p>All month June each year – National Pride Month</p> <p>14 July each year– International Non-Binary Day</p> <p>4 September 2021– Derbyshire Pride</p> <p>10 September 2022– Derbyshire Pride</p> <p>9 September 2023– Derbyshire Pride</p> <p>14 September 2024– Derbyshire Pride</p>

	23 September each year - Bi-Visibility Day
4. In the Complaint response you state that you have support from the charity LGBTQ+ Derbyshire for flying the Pride Progress Flag, "We also have the support of Derbyshire LGBT+ who represent Derbyshire LGBT+ communities". Please supply all communications, documents, minutes, emails, transcripts, texts or phone recordings that are connected with this support of you replacing the Rainbow flag with the Pride Progress flag by the charity LGBTQ+ Derbyshire.	<p>Documents – Information not held</p> <p>Minutes – Information not held</p> <p>Emails – Information not held</p> <p>Transcripts - Information not held</p> <p>Texts – Information not held</p> <p>Phone recordings – Information not held</p> <p><u>Advice</u></p> <p>All communications were personal conversations which are not recorded.</p> <p>The Council is signed up to the Rainbow Accreditation Standard and this says ...'You may wish, of course to use the Pride in Progress Flag which is becoming more widely used by organisations'.</p>
5. In the Complaint response you state that, "We see this flag (Pride Progress Flag) as being inclusive to the LGBTQ+ community and have the full support of our LGBT+ community in Derby". Please provide all communications (emails, letters etc.) that demonstrate this support from members of the LGBTQ+ community (the public of Derby) other than the Charity mentioned in Question 4.	<p>Information not held – please see Q4 response.</p> <p><u>Advice</u></p> <p>Many other agencies fly the Pride in Progress Flag. The Pride in Progress Flag is used widely at Derby Pride too.</p>
6. Please provide the Derby City Council flag policy as noted in Complaint Ref FSC624130160 and the date this was last reviewed.	Please see attached Derby City Council flag protocol.
7. Please supply all communications, documents, minutes, emails, transcripts, texts or phone recordings of the consultation that took place with the Planning Team in Derby City	<p>Documents – Information not held</p> <p>Minutes – Information not held</p> <p>Transcripts - Information not held</p> <p>Texts – Information not held</p>



<p>Council about the flying of the Pride Progress flag in connection with Complaint Ref FSC624130160</p>	<p>Phone recordings – Information not held</p> <p><u>Advice</u></p> <p>These conversations took place as Teams meetings and we do not record these.</p> <p><u>Consultations with Planning Team</u></p> <p>Please see attached email exchanges with our Planning Officers.</p> <p>Email 1 -1/07/2024</p> <p>Email 2 -25/06/2024</p> <p>Email 3 - 24/06/2024</p> <p>Email 4 - 24/06/2024</p> <p>Email 5 - 19/06/2024</p> <p>Email 6 - 24/06/2024</p> <p>Email 7 – 21/6/2024</p> <p>Email 8 – 19/6/2024</p> <p>Section 40(2) Personal data third party exemption.</p> <p>Under section 40(2) by virtue of section 40(3)(a)(i), personal data of a third party can be withheld if it would breach any of the data protection principles to disclose 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 individual and any indication of the intention of the data controller or any other person in respect of the individual.’</p>
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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.

In this instance, the personal data relates to any employee/third party names/email address/phone numbers/qualification/personal opinions included in the emails.

Personal data is exempt if either of the conditions set out in sections 40(3) and 40(4) of FOIA 2000 are met. The relevant condition in this case is at section 40(3)(a)(i) of FOIA 2000, where disclosure would breach any of the data protection principles.

In this case we have considered whether disclosure of the personal data would breach the first data protection principle, which states that: *'Personal data shall be processed fairly and lawfully.*

The conditions for processing personal information is largely based on the 'necessity' to process personal information and the Council does not consider the disclosure of **employee/third party names/email address/phone numbers/personal opinions included in the emails** to be necessary.

It would not be fair to disclose the personal data into the public domain given that disclosure under FOI is to the world at large and the employees/third parties would have the expectation that their personal data would not be disclosed.

There is no lawful basis for disclosing the personal data into the public domain.

We accept that releasing this information would reinforce the Council's commitment to being an open and transparent organisation.

	<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 the personal data has been withheld by virtue of Section 40(2) of the Act. The relevant information has been redacted from the planning emails.</p>
<p>8. In the Complaint Response the Council stated that they did not need planning consent for the Pride Progress flag because it was advertising “specific events of limited duration that are taking place” in the Council building. Please provide a list of all the specific events that took place inside the Council building on the dates the Pride Progress flag was flown (your answers in Question 3). Please provide all communications about the events including documents, minutes, emails, transcripts, texts or phone recordings.</p>	<p><u>Communications</u></p> <p>Documents – Information not held</p> <p>Minutes -Information not held</p> <p>Emails – Information not held</p> <p>Transcripts – Information not held</p> <p>Texts – Information not held</p> <p>Phone recordings – Information not held</p>
<p>9. How much money has Derby City Council spent each financial year (or calendar year whichever is easier) on the specific events (your answer to Question 8) in the Council building since you began flying the Pride Progress flag (your answer in Question 2) to the present. Include staff time spent on these events, catering, printing, merchandise, speakers. If you cannot provide exact figures please provide a robust estimate.</p>	<p>In 2019/20 – £385 – Merchandise</p> <p>In 2020/21- £236- Merchandise</p> <p>In 2021/22-£215- Merchandise</p> <p>In 2022/23- £187- Catering</p> <p>In 2023/24 – Nil</p>
<p>10. On your website you state that you have a LGBTQ+ - Lesbian, Gay, Bisexual and Transgender, Queer/Questioning Plus and Allies - Employee Network. Please provide the Terms of Reference of this Network.</p>	<p>Terms of Reference</p> <p>What we do</p> <p>The group offers members advice, help and support in a friendly, safe environment. We are supported at a senior level and aim to remove barriers in the workplace, and in service delivery, that LGBTQ+ employees and service users face.</p>



	<p>Whether you need advice and support or just an opportunity to share your experience, the network is there for you.</p> <p>Our vision and aims</p> <p>Our vision is to have an open and diverse workforce.</p> <p>Our aim is to remove the barriers faced by LGBTQ+ employees, job applicants, service users and visitors to the city.</p> <p>We will do this by:</p> <ul style="list-style-type: none"> • raising awareness of issues facing LGBTQ+ employees, job applicants, service users and visitors to the city • influencing Council policies and strategies in all areas of employment, including promotion, training and development, conditions of service and retention • acting as a forum, to share information and good practice on LGBTQ+ equality in the Council • discussing issues of concern with senior management and the Council and maintaining their commitment • taking part in equality impact assessments and monitoring policies and practices • acting as advisors on improving customer service • providing a confidential employee contact and support network • raising the profile of the LGBTQ+ workforce • challenging homophobic and transphobic discrimination in the workforce • inviting speakers to talk about LGBTQ+ issues • working with other LGBTQ+ organisations and support groups such as the Derbyshire LGBTQ+ Employee Network.
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11. How many members are there in the Council LGBTQ+ Employee Network? Please provide the number of people on the mailing list and the number of people who attend the meetings regularly.	43 – numbers attending not recorded as some people are not 'out' at work and meetings are confidential
12. How much money has Derby City Council spent each financial year over the last 5 years (or calendar year whichever is easier) on the LGBTQ+ Employee Network? Include staff time, catering, printing, merchandise, speakers etc. If you cannot provide exact figures please provide a robust estimate.	In 2019/20 – £385 – Merchandise In 2020/21- £236- Merchandise In 2021/22-£215- Merchandise In 2022/23- £187- Catering In 2023/24 – Nil

Please note, the following applies, if the response includes council officers (or other officers) names.

If you are a company that intends to use the names and contact details of council officers (or other officers) provided for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference. You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.