



OFFICIAL FOI INTERNAL REVIEW – Grid  
(To be read in conjunction with explanation letter)

Request ID:	IG000948	Method:	Email
Category/Categories of information requested	Please provide a list of all call-outs to 39 Rembrandt Way since 1st May 2018 and a brief summary of the action taken on each call-out.		
Original FOI Request date:	10.06.21 Received first to Fire Crime Unit	SWFRS Response date:	16.07.21 ( delayed due to limited resources and high volumes of requests)
Clarity requested by SWFRs:	N/A	No. paused days:	0 days
Duration of request:	26 days	Within timescale:	No but an advisory paragraph with regards to likely delays was issued in the initial acknowledgement to requestor.
Internal Review Requested on: ( within 40 days of SWFRS FOI response)	19.07.21	Internal review concluded on: ( within 20 working days or + additional 20 if complex)	10.09.21 Approved: 13.09.21

Section	Description of Responsibility	Check	Comment
S1	Right to Inform a. Whether SWFRS holds information of description specified in request b. If that is the case to have that information communicated	Yes	a. SWFRS has confirmed that it does hold such information as the requestor describes b. SWFRS has refused to release information under section 40 personal data - absolute exemption
S1	“Any person” can ask for information under the FOIA 2000. SWFRS has discretionary right to ask for name/address( email sufficient) if the requestor is using an obvious sudo-name	N/A	This appears to be a genuine request- no further clarity is needed.
S1	Information communicated Via method of initial request usually appropriate	Yes	Request received via email and response served by return email on 16.07.21



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	Dataset information needs to be in an electronic format capable of re-use Published and updated with revised versions	Yes  /	N/A Information refused
S1(3)	SWFRS requires further information in order to identify and locate information requested and a. Has informed the applicant b. B. can refuse Unless 1 Supplied with that information	N/a	No clarity was required therefore no clarity was requested in this instance.
S3 (2) (a)	Is information held by the Authority for its own purposes or Held the Authority on behalf of another person?	Yes	Held for own public task purposes ( information falls within scope to be considered under the FOIA)
Cost S.9	Fees Notice SWFRS limit £450 (£25/hour) Plus photocopying and disbursements Includes searching time: -Locate -Retrieve -Extract Does not include redacting time	N/A	The time taken to locate, retrieve and extract data would not be likely to exceed the specified time/cost limit of £450  No costs sought for disbursement
S.16	SWFRS has a duty to provide advice and assistance (SWFRS deemed to have complied if following Code of practice set out by ICO in sect 45)	Yes	Advice has been given, although not required as Section 40 has been engaged (classed as an absolute exemption).
Time	20 working days form “Date of Receipt”	No	Initial response issued to requestor was 6 days late due to resource issues and high demand. Apologies have been sent by SWFRS.
S.17	Reasons for refusal: -Information is not held -Request is vexatious -Repeated request -Costs over limit -Part 2 Exemption applies	Yes	Exemption Section 40 referenced



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s.17 Refusal Notice	Within 20 working days: Stating information exempt Relevant exemption Why exemption applies/ Public Interest Test Details of how to complain ( Including ICO information to make an appeal)	No  Yes	Advice has been given as to how exemption Section 40 has been engaged but response was not possible within 20 working days  Advice given on how to make a complaint ICO contact information provided
<b>PART 2</b>			
2.1	Absolute or qualified exemption used?	Absolute	Explanation given
2.2	Public Interest Test carried out?	N/A	Not required with an absolute exemption engaged.  Note: The ACO – Corporate Services and relevant Director were made aware and gave appropriate approval of the initial drafted response before being sent to requestor.
2.3	Result of PIT	N/A	Not required.  To our knowledge, here have been no prior concerns or communications from Police/ Councils requesting related information from SWFRS to investigate.
2.4	Passage of time considered	Considered	Still relevant, information sought is with regards to a current property. Request asks for information going back to May 2018 until current date ( of request)
2.5	Nature of information considered	Considered	Incident information can be personal and have major impact on data subjects (harassment, embarrassment etc.) if released. This information goes through strict IRS processes and has limited access. All issues are logged.  SWFRS Fire Crime have signposted the requestor to the UK Government Garden Fire Rules website.



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			<p>The Council (rather than SWFRS) has a responsibility to investigate complaints of smoke and fumes that could be a 'statutory nuisance'. They can issue an 'abatement notice' if a neighbour's bonfire is causing a nuisance. Individuals can be fined if they do not follow the rules of the abatement notice.</p>
2.6	Exemptions considered	Yes	<p>Section 40 was communicated as it was deemed the most relevant of the 23 exemptions under FOIA 2000. To release specific incident information could constitute Section 40 personal information, as with other information (such as owner/occupier identity) they are personal identifiers and may also make those individuals targets of unwanted attention or possible abuse.</p> <p>On reflection, Section 21 may partially also engage if any part of the information requested is already available and accessible to the applicant by other reasonable means, such as on the internet. There may be images or stories generated on personal social media but this has not been checked as it could be seen as intrusive.</p> <p>Information may also be readily available through the IRS application process.</p>
2.7	NOT public Interest factors; - Cost of complying	Yes- these factors have	<p>These arguments do not form part of the decision making.</p>



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	<ul style="list-style-type: none"> <li>- Embarrassment to SWFRS</li> <li>- Loss of confidence in SWFRS</li> <li>- Risk of misinterpretation</li> <li>- Seniority of persons</li> </ul>	<p>not impacted on the decision to withhold</p>	
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**Table 1- PIT (not required but worked through for avoidance of doubt)**

To note the result does not depend necessarily on the number of arguments on each side but considers the weighting of arguments to form an overall balance of interest test to the public.

In interest of public disclosure	Against full public disclosure
Default setting in FOIA 2000 is disclosure- the burden is on SWFRS to prove that they should not disclose the requested information if it is held.	Disclosure to the wider World audience via FOIA (rather than directly to those who are legitimately linked to the property, have completed a successful application to IRS and may also have fuller prior knowledge) could be likely to cause harm to individuals, embarrassment etc.
Promotes transparency and openness	Distress to public who may already be cooperating fully with advice given by SWFRS for legitimate controlled burns. Responsible persons could be put into a position of danger, should there be any vigilante activity or damaging backlash
Informing public of dangers to public health/safety ( limited)	May prevent potential premature disclosure of information around activities still underway, in accordance with recognised safety practice/ protocols (if any).
Some information may already be in the public domain	Impact on any potential ongoing related investigations ( if any)
	Fairness to other FOI/IRS applicants. Previous requests asking for incident information to the best of our knowledge have been refused on similar grounds unless using the IRS process

**Additional Notes**

Some potential options to assist the requestor:



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- Broaden their request to an aggregated over-view of call out data to an area rather than a specific address
- Remain narrow but go through the IRS application process to state the relevance and legal basis of their request in relation to the specific property ( ID verification, completed application form and payment required) A reduced report may be provided if there is no explicit consent from data subjects.
- Contact Police to report any unlawful activity and let them take forwards appropriately
- Engage further with the local authority for advice, providing existing evidence and local authority to decide whether to pursue a direct request. (An application form and legal basis would be needed, but again a reduced report may be provided if there is no consent from data subjects, it would be up to the local authority whether they decide to further share, processing must be in line with the DPA 2018 principles A-F and other relevant data protection legislation).
- For openness of actions, requestor may visit: <http://www.cfoa.org.uk> to view enforcement notices issued by SWFRS and these are publicly available on the National Fire Chiefs Council website.
- Visit SWFRS website for more safety advice and sign-posting <https://www.southwales-fire.gov.uk/your-safety-wellbeing/>
- Read the UK Government Garden Fire Rules for more information on garden bonfires <https://www.gov.uk/garden-bonfires-rules>
- Provide SWFRS with a legitimate Court Order to disclose the information

Should the requestor wish to make another request they can contact our dedicated email address: [dataprotection@southwales-fire.gov.uk](mailto:dataprotection@southwales-fire.gov.uk)

Should the requestor wish to appeal, they have the right to contact the Information Commissioners Office. Details of how to do so have already been provided to the requestor, on the initial response letter issued 16.07.21:

Information Commissioner's Office-Wales,  
2nd Floor,  
Churchill House,  
Churchill Way,  
Cardiff,  
CF10 2HH.

There is no charge for making an appeal.