

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 March 2012

Public Authority: Royal Mail Group Ltd.
Address: 100 Victoria Embankment
London
EC4Y 0HQ

Decision (including any steps ordered)

1. The complainant has requested from Royal Mail Group Ltd (Royal Mail) the names of current and past sub-postmasters and other officials of her local post office and sorting office. The Commissioner's decision is that Royal Mail correctly applied section 40(2) of the FOIA to the request. He does not require Royal Mail to take any further action.

Request and response

2. On 5 August 2011, the complainant wrote to Royal Mail Group and requested information in the following terms:

'Which individual(s) has/have held the position /title of sub-postmaster chronologically since 1994 to the present day, or held any other official post in connection with waterbeach post office and the Royal Mail sorting office? Please could you particularly let me know what is the name of present sub-postmaster of Waterbeach post office.'

3. Royal Mail responded on 2 September 2011. It refused to disclose the information requested and relied upon the exemption contained within section 40(2) (third party personal data) of the FOIA to do so.
4. Following an internal review Royal Mail wrote to the complainant on 11 November 2011 in which it upheld its initial decision.

Scope of the case

5. The complainant contacted the Commissioner to complain about the way her request for information had been handled. The complainant argued that the information requested should be disclosed.

Reasons for decision

6. Section 40(2) provides that information is exempt from disclosure if the information constitutes personal data and either the first or the second condition in section 40(3) is satisfied.

Personal data is defined in section 1(1) of the Data Protection Act 1998 (DPA) as:

“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.”

7. The information requested is for the names of current and past sub-post masters at a named post office, this information relates to identifiable individuals and the Commissioner is satisfied that the information clearly constitutes their personal data as defined by the DPA.

Would disclosure of the names contravene any of the data protection principles?

8. For section 40(2) to apply, either the first or second condition in section 40(3) must be satisfied. The first condition in section 40(3) states that the disclosure of personal data would contravene any of the data protection principles or section 10 of the DPA.

9. The first data protection principle 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.'

10. The Commissioner has first considered whether disclosing the names would have been fair to the individuals in question.
11. In establishing whether disclosure is fair, the Commissioner will consider the reasonable expectations of the data subject(s), the legitimate interests of the public (ie transparency and accountability) and the rights and freedoms of any named individual.
12. Royal Mail explained to the complainant that the role of sub-postmaster was relatively low grade and junior in the structure of Royal Mail. It accepted that the role involved day to day interaction with the public but argued that it does not involve decision making on how public money is spent or any high level involvement in the direction and performance of a public organisation. Royal Mail further explained that whilst some individuals may wear name plates when serving customers, this may contain a first name or shortened version of that name. It did not consider that those individuals would have an expectation of their full name being released to the public.
13. The complainant has argued that sub-postmasters have a high profile role within a community and that they are perceived by members of the public to be important individuals. She has also argued that the role they undertake is a sensitive one dealing with post and which imports a large degree of public trust.
14. However, Royal Mail has further explained that sub-postmasters are not employees of Royal Mail but self employed. Sub-postmasters are not responsible for Post Office or Royal Mail services and, if anything goes wrong with these, an individual may complain to Post Office Limited or Royal Mail in relation to those services.
15. Royal Mail has additionally argued that the individuals caught by the request who had left their positions before the request was made would have even less expectation of their names being published. It also explained that sub-postmasters operate in a sometimes 'combustible' customer service environment and that it is not uncommon for them to receive threats.
16. In the above circumstances, the Commissioner is of the view that it would not be in the reasonable expectations of the individuals caught by the request to have their names made public.

Legitimate interests

17. The complainant has explained to the Commissioner that she has had difficulties with her post including receiving it in an open condition. She has argued to the Commissioner that the names of sub-postmasters would help her to examine this issue further.
18. The Commissioner has not been provided with any evidence as to how the requested information would enable any alleged wrongdoing to be brought to light. He also notes that if an individual has concerns regarding their postal services, such as post being opened, then that individual may complain to Royal Mail and subsequently to the Postal Review Panel and thereafter to the Postal Redress Service, an independent body. Additionally, the interception of post may be investigated by the police. In this regard the Commissioner does not consider, on the evidence before him, that knowing the names of any individuals at a particular post office or sorting office would be necessary to pursue such a complaint.
19. The Commissioner does however consider that there are wider general interests of transparency and accountability to be borne in mind. He recognises that those individuals who provide services to the public should be identifiable to meet those interests. However, he considers that those interests are met by providing the public with a 'contact' name or job title, such as sub-postmaster.
20. The Commissioner therefore finds that Royal Mail correctly applied the exemption contained at section 40(2) of the FOIA and requires no steps to be taken.

Right of appeal

21. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

22. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
23. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF