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**Customer and Workforce Services**

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Our reference: FOI/20099727

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Dear 

**Freedom of Information Act 2000**

Thank you for your Freedom of Information request, which the Council received on 8th March 2013. Your request has been considered under the Freedom of Information Act 2000 ("The Act"). You have requested the following information:

- 1) How many Non Disclosure agreements have been issued following a redundancy payout in the past three years broken down by year - 2010, 2011, 2012
- 2) How much was the redundancy pay out in each case?
- 3) How many breaches of Non Disclosure agreements have been recorded?
- 4) Has any action ever been taken against a former employee for breaching a non-disclosure agreement?

Response: No Non Disclosure Agreements have been issued by the City Council in the past three years.

- 1) How many Compromise agreements have been issued in the past three years broken down by year - 2010, 2011, 2012
- 2) How much was the pay out in each case?
- 3) How many breaches of Compromise agreements have been recorded?
- 4) Has any action ever been taken against a former employee for breaching a non-disclosure agreement?

If it is not possible to provide a breakdown of payments please provide over the past three years, making it clear which year they were agreed.

Response:

- 1) Total numbers of Compromise Agreements. Figures are provided in financial year format 2009/2010, 2010/11 and 2011/12

2009/2010: 10                      2010/11: 9                      2011/12: 5

- 2) **Total** Payouts for Compromise agreements issued (See \* below). Figures are provided in financial year format 2009/10, 2010/11 and 2011/12

2009/2010:     £254,308

2010/2011:     £213,596

2011/2012:     £32,300

- 3) No breaches of Compromise agreements have been recorded  
4) N/a (see 3 above)

\* Please note that in relation to part 2) of your request, which asks for individual pay outs, that the Council considers that this meets the definition for personal data set out 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"*

The Council thus considers that the requested information is caught by the exemption to disclosure contained in Section 40 (2) of the Act and the related first condition of Section 40 (3).

To explain further, a disclosure made under the provisions of the Act is judged to be a disclosure to the wider world and here the Council must consider disclosure of personal information in line with the provisions of the DPA.

In this instance it is judged that the personal information relating to the signing of disclosure agreements is being processed by the Council for the purposes of employment and not for any wider disclosure purposes.

The individuals concerned would have no reasonable expectation that their details would be disclosed to the world-at-large and given the specific nature of the issues, relating as they do to particular individuals, it would not be possible to suitably anonymise this information.

Any disclosure of this information would thus be judged in this instance to breach DPA principles, notably the first principle – that of fair and lawful processing and the second principle-that of processing for specified and not-incompatible purposes.

Please note that the information that you have requested is owned by the Coventry City Council and may be subject to copyright protection. Under the Re-Use of Public Sector Information 2005 Regulations you are free to use this information for your own use or for the purposes of news reporting. However, any other type of re-use under the Regulations, for example; publication of the information or circulation to the public, will require permission of the copyright owner and may be subject to terms and conditions. For documents where the copyright does not belong to Coventry City Council you will need to apply separately to the copyright holder.

I hope you feel that our response meets your request. However, you have a right to make representations about the outcome or handling of your request – in the first instance this must be made in writing within 40 working days of the date of this letter, to the Council's Information Governance Team at:

Council House, Room 21a  
Lower Ground Floor  
Earl Street, Coventry.  
CV1 5RR  
[infogov@coventry.gov.uk](mailto:infogov@coventry.gov.uk)

If after doing the above you are still dissatisfied, you then have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely

Jane Waterhouse  
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