

Email sent to WTC on 02 October

Dear Wilton Town Council,

This is a formal request under the **Freedom of Information Act 2000 (FOIA)**.

I have reviewed the published minutes of the Full Council meeting held on **02 September 2025**, and I note that multiple items of expenditure have been unlawfully redacted, with GDPR cited as justification. While redaction of *personal identifiers* (such as addresses, NI numbers, and bank details) is correct, redaction of **financial amounts of public expenditure** is both unlawful and a breach of statutory duties.

Legal Breaches

1. **Freedom of Information Act 2000** – Section 1 grants the right of access to recorded information. Financial payments from public funds are not exempt under GDPR. Misapplying GDPR as an exemption is a breach of the Act.
2. **Local Government Act 1972 (s.100F)** – Requires that the public have the right to inspect minutes, reports and background papers, including financial details, except where exemptions under the Act lawfully apply (which salaries and payments do not).
3. **Public Audit (Public Access to Documents) Act 1983** – Provides electors with the right to inspect and copy the Council's accounts and all related documents. Redacting staff salaries and payments directly contravenes this law.
4. **Local Government Transparency Code 2015** – Legally obliges councils to publish details of expenditure over £500, details of senior staff salaries, and all spending of public money in a clear and accessible form. The redactions in your published minutes breach this statutory duty.
5. **UK GDPR and Data Protection Act 2018** – The Council's reliance on GDPR is misplaced. GDPR protects *personal data*, not figures of public expenditure. Salary amounts, contractor payments and other financial totals are **not personal data** when separated from identifiers such as NI numbers and addresses.

Required Disclosure

I therefore formally request that Wilton Town Council:

1. Provide the **full unredacted list of payments and amounts** referred to in the minutes of 02 September 2025.
2. Provide copies of all background financial papers presented at that meeting in unredacted form (save for personal identifiers such as account numbers).
3. Provide the Council's written legal reasoning for applying GDPR to redact public expenditure figures.

Consequences of Non-Compliance

Failure to comply with this request within the statutory period of 20 working days will result in:

- An immediate complaint to the **Information Commissioner's Office (ICO)** for breach of FOIA.
- Referral to the **External Auditor** under the Local Audit and Accountability Act 2014 for unlawful failure of financial transparency.
- A formal **complaint of maladministration** to the Local Government and Social Care Ombudsman.
- Consideration of a request for **Judicial Review** should the Council continue to act ultra vires in concealing the use of public funds.

This is a matter of public accountability and transparency. Redacting public expenditure is a direct breach of your statutory duties, and continued non-compliance could give rise to legal and regulatory sanctions. Please acknowledge receipt of this request. I expect the unredacted information within the statutory timeframe.

[name redacted]

Holding response sent on 03 October by Town Clerk

Thank you for your request for information, which was received on Thursday 02 October 2025. I am handling your request under the Freedom of Information Act 2000. Under section 10(1) of the Act, Wilton Town Council is required to respond to your request promptly and in any event not later than 20 working days after the date of receipt. This means you can expect to receive a response by 30 October 2025.

BL

Email response sent on 29 October by Town Clerk

Dear [redacted]

Thank you for your e-mail of 2nd October 2025 in which you requested information under the Freedom of Information Act 2000. Specifically you asked us to:

1. Provide the full unredacted list of payments and amounts referred to in the minutes of 02 September 2025.
2. Provide copies of all background financial papers presented at that meeting in unredacted form (save for personal identifiers such as account numbers).
3. Provide the Council's written legal reasoning for applying GDPR to redact public expenditure figures.

I can confirm that we hold some information within the scope of your request for item 1 above. Please find attached the information we are able to disclose to you.

We are not able to give a specific breakdown of amounts paid to staff members as the payment amounts are their personal data and would be exempted from being supplied under Freedom of Information Act 2000 Section 40(2) as we believe that we would not have a lawful basis under data protection law for a public disclosure under the FOIA.

However we are able to provide a total of staff payments made in this period and have provided that amount without attributing amounts to individuals. We consider that this treatment allows us to be both transparent as to monies spent whilst protecting the privacy of individuals.

For item 2 above I have attached an email that was sent to all councillors ahead of the meeting. Due to staff change over this information was not available at the time when the agenda was published hence the financial information was sent via email prior to the meeting.

For item 3 above we do not hold information of the description you require no formal written legal reasoning was sought, the decision to redact was taken out of the best of intentions to protect the privacy of individuals and process their data in line with the principles of the UK GDPR.

If you're dissatisfied with this response, you may request an internal review of us. If you are then not content with the outcome of that review, you can apply directly to the Information Commissioner's Office for a decision.

The Information Commissioner can be contacted at:

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

Telephone: 0303 123 1113

<https://ico.org.uk/make-a-complaint/>

If you have any further queries, please do not hesitate to contact me.

BL