



## Freedom of Information Request FOI 23 155

### Has DWFRS taken legal proceedings against two fire consultants

#### Query:

***Could you confirm if Dorset fire service are bringing legal proceedings against two fire consultants who carried out a fire risk assessment at our £189,000 residential Park home 9 White Horse Park DT36ED***

***I do understand Dorset fire service has no jurisdiction inside the 6 metres separation distance but what we do not understand on why these two fire consultants have not been prosecuted by Dorset fire service for fabricated fire reports.***

#### Reply:

We can neither confirm nor deny whether we hold the information requested.

This is because the information you have requested could constitute the personal data of an individual other than yourself. Therefore we are unable to confirm or deny whether we hold this information under section 40 (Personal information) of the Act, as to do so would breach one of the Data Protection Act 2018. (DPA) principles.

Furthermore, we are applying the exemption afforded by section 40(5B)(a)(i) of the Freedom of Information Act 2000.

Section 40(5B)(a)(i) states that the duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies—

(a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)—

(i) would (apart from this Act) contravene any of the data protection principles.

Section 40(5B)(a)(i), provides an absolute exemption if disclosure of the personal data would contravene any of the data protection principles as defined in the Data Protection Act 2018. We are of the opinion that to confirm or deny that the fire authority has considered dismissing or taking disciplinary action against the Chief Fire Officer by way of responding to this Freedom of Information request would be unfair and contrary to the first data protection principle (lawful, fair and transparent).

**Information/Detail accurate on the date provided: 23, November 2023**