

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 19 January 2010

Public Authority: Home Office
Address: Seacole Building
2 Marsham Street
London
SW1P 4DF

Summary

The complainant requested information concerning an honour awarded to a named individual. The public authority refused to disclose this information on the basis of sections 37(1)(b) (information relating to the conferring by the Crown of any honour or dignity) and 40(2) (personal information). The Commissioner does not uphold the refusal of this request and the public authority is required to disclose the information requested to the complainant. The Commissioner also finds that the public authority failed to comply with the procedural requirements of sections 10(1), 17(1) and 17(3)(b) of the Act in that it failed to respond within 20 working days of receipt of the request setting out why the request was refused and did not address the balance of the public interest in connection with section 40(2) in conjunction with section 40(4).

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. The complainant made the following information request on 19 June 2008:

"...in relation to the recent award in the Queen's Birthday Honours of the Companion of the Order of the Bath to [a named third party] of the Home Office..."

What were the contributing factors to the citation for honour announced in the press release which would elaborate in more detail upon the precise nature of the 'public and voluntary services' which led to her honour? In other words what has she actually done to deserve the award?"

3. The public authority responded to this initially on 17 July 2008. At this stage the public authority stated that it required an extension in order to consider the balance of the public interest in connection with section 37(1)(a) (communications with Her Majesty). This response did not, however, confirm that the exemption provided by section 37(1)(a) was considered engaged, or provide any explanation for this.
4. The public authority responded substantively on 14 August 2008. This response confirmed that information falling within the scope of the request was held, but refused to disclose this, with the exemption provided by section 40(2) (personal information) cited. No mention of section 37(1)(a) was made in this response.
5. The complainant responded on 17 August 2008 and requested that the public authority carry out an internal review of the handling of the request. The public authority responded with the outcome of the internal review on 24 October 2008. This response included a paragraph setting out the work undertaken by the named third party that contributed to her nomination for an honour.
6. The public authority also referred to the 'actual citation written during the awards process' and maintained that this was exempt by virtue of section 40(2). The basis for the citing of section 40(2) was twofold; first, the public authority believed that disclosure would be in breach of the first data protection principle and so section 40(3)(a)(i) was relevant; and secondly, that the information was exempt from section 7(1)(c) of the Data Protection Act 1998 (the "DPA") by virtue of Schedule 7(3)(b) of that Act and so section 40(4) was relevant.
7. The public authority also introduced the exemption provided by section 37(1)(b) (information relating to the conferring by the Crown of any honour or dignity). The public authority stated that it was clear that the information in question fell within the class specified in this exemption and concluded that the public interest favoured the maintenance of this exemption.

The Investigation

Scope of the case

8. The complainant contacted the Commissioner initially on 2 November 2008 and stated that he did not accept that his request was satisfied by the information provided in the internal review response. The complainant also posed questions that he wished the Commissioner to procure answers to. During the case handling process it was made clear to the complainant that the Commissioner could consider only whether the public authority had dealt with his information

request in accordance with the Act and that it would not be possible for the Commissioner to procure a response to supplementary questions.

9. The request above was originally one part of a wider request made by the complainant. As the complainant specified only the request above in his internal review request, the scope of this case has been restricted to that request.
10. As noted above, in the internal review response the public authority provided some information about the public service undertaken by the named third party that led to her nomination for an honour. The public authority also referred at that stage to the '*actual citation*' and identified this as the information withheld.
11. In correspondence with the Commissioner the public authority specified that the only information it held that fell within the scope of the request was the 'Honours Citation Form'. The Commissioner accepts that compliance with the request would require either the disclosure of a copy of this form, or the contents of it, and the analysis in this Notice relates to the content of this form.
12. As well as the reasoning for the honours nomination, this form also includes information that does not appear to be within the scope of the request, including contact details for the named third party and the origin of the nominator. The Commissioner does not consider this information to be within the scope of the request and so the steps specified in this Notice do not apply to this information.

Chronology

13. The Commissioner contacted the public authority in connection with this case on 10 August 2009. The public authority was asked to respond, clarifying what information it held that fell within the scope of the request and which of this information continued to be withheld.
14. The public authority responded to this on 15 September 2009. The public authority referred to previous investigations carried out by the Commissioner where the Cabinet Office had withheld information relating to the awarding of honours and the Commissioner had upheld the refusal. The public authority believed that the circumstances in this case were similar.
15. In connection with the description of the reasoning for the honour provided to the complainant at internal review, the public authority stated that this was not intended to be a comprehensive list of the grounds for the honour. It also emphasised that it held no information about the grounds for the honour beyond that given in the citation. The public authority confirmed that the information withheld was believed to be subject to the exemptions provided by sections 37(1)(b) and 40(2).

Analysis

Exemptions

Section 37(1)(b)

16. Section 37(1)(b), which is set out in full in the attached legal annex as are all other legislative provisions referred to in this Notice, provides an exemption for information that relates to the conferring by the Crown of any honour or dignity. This exemption is also subject to the public interest, meaning that the information should be disclosed if the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure, however clear it is that the exemption is engaged.
17. The Commissioner considers it clear that the information in question here does relate to the conferring by the Crown of an honour. The information recorded in the citation document clearly relates to the awarding of the honour to the named third party and, as the complainant noted in the wording of the request, the honour was awarded in Her Majesty the Queen's Birthday Honours. The information does, therefore, relate to the conferring of an honour by the Crown and so the exemption provided by section 37(1)(b) is engaged in relation to this information.

The public interest

18. In reaching a conclusion on the balance of the public interest, the Commissioner has taken into account factors relevant to the honours system in general in considering what harm may result to the honours system through disclosure and what benefits may be said to result through an improvement in the transparency and openness of the honours system. The Commissioner has also considered what relevance the specific decision to award an honour to the named third party and the stated reasons for it may have to the balance of the public interest.
19. Covering first the significance to the balance of the public interest of the specific honour award that was the subject of the request, the Commissioner is aware of no particular reaction to the awarding of this honour that would suggest that there is a particular public interest in understanding why the named third party was awarded an honour. If it had been the case, for example, that the reasoning for awarding this honour had been seriously and substantively questioned, a case could have been made that transparency in relation to the process that was undertaken when awarding this honour was in the public interest. Alternatively, the public authority may have suggested that there was a particular factor related to the awarding of the honour to the named third party that supported the maintenance of the exemption. In the event, the Commissioner does not believe that there are any public interest factors particular to the awarding of the honour to the named third party that support either disclosure of the information, or maintenance of the exemption.

20. Turning to those factors related to the honours system in general, the Commissioner's published guidance on this exemption states the following:

"Two recent independent reviews of the honours system have acknowledged a general concern regarding transparency and accountability of the system itself."

"The Information Commissioner encourages public authorities when applying the public interest test to recognise the considerable need for public confidence in the integrity of the honours system. Specifically, if the system and the individual honours and dignities themselves are to be valued and respected, the public will wish to know that the process for awarding them is objective, accountable and transparent. In particular where the requests for information concern the process of and policy behind the awards of honours and dignities, authorities are encouraged to take a positive approach in their application of the public interest test and disclose the maximum information possible."

21. Disclosure of the information in question here, recorded as part of the process of awarding an honour, would further the transparency and accountability of the honours system. The Commissioner considers this to be a valid public interest factor in favour of disclosure of considerable weight.
22. The arguments of the public authority related to the effective operation of the honours system, which it believed may be prejudiced as a result of inhibition to participants in the honours system resulting from knowledge that the record of contributions may later be disclosed. The Commissioner believes that these arguments from the public authority are similar to two concepts used in relation to the application of the public interest test under section 35(1)(a).
23. The first concept is that of civil servants and ministers needing a 'safe space' in which to formulate policy and debate live issues away from public scrutiny and particularly away from lobbying and media involvement. This safe space therefore allows policy makers to hammer out policy by exploring both safe and radical options, without the fear of headlines suggesting that ideas that have merely been touched upon during the formulation / development process have in fact been accepted or are being seriously considered as policy options.
24. The second concept is that of a chilling effect. This is directly concerned with the potential loss of frankness and candour in debate and advice which may lead to poorer quality of advice and less well formulated policy and decision making if information were to be disclosed under the Act.
25. In theory, the Commissioner accepts the logic of the safe space argument. It would clearly not be in the public interest if media or public pressure interfered with the established system of awarding honours.
26. However, he also notes that in considering safe space arguments under section 35(1)(a) of the Act, the need for such a safe space diminishes once the policy decision in question has been taken. It is clear that by the time of the

complainant's request the decision making process in relation to the awarding of the named third party's honour had been completed. This reduces the force of the arguments in this case concerning the need for officials to have a safe space for deliberation.

27. This does not altogether negate the strength of the safe space argument generally. The Commissioner takes into account how those involved in the awarding of honours will act in the future if this information were to be disclosed. In particular, would they be inhibited from freely and frankly discussing the merits of the candidates who have been nominated? Clearly, such a line of argument is closely aligned to the concept of the chilling effect described above.
28. In this case the Commissioner does not accept that disclosure of the information in question would result in any chilling effect. Whilst the Commissioner has accepted in concluding that the exemption is engaged that the information in question does relate to the conferring of an honour, the content of this information includes nothing that can be characterised as free or frank, or in any way contentious. Instead the information consists of a recitation of the achievements of the named third party. In the absence of any content within this information that could conceivably have eroded the safe space within which to discuss honours nominations, or given rise to a chilling effect, the Commissioner does not accept that disclosure of this information would cause prejudice to the operation of the honours system. Prejudice to the operation of the honours system is not, therefore, a factor in favour of maintenance of the exemption to which the Commissioner affords any significant weight in this particular case.
29. The conclusion of the Commissioner is that the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure. As the benign nature of the content of the information in question meant that the argument of the public authority that disclosure would result in prejudice to the operation of the honours system did not carry any significant weight, the fact that disclosure would further the transparency of the honours system has decisively tipped the balance of the public interest in favour of disclosure.
30. The Commissioner would note two points further to this conclusion. First, the exemption does not carry any inherent weight in the balance of the public interest. This means that it is not the case that the starting point for the public interest, having concluded that the exemption is engaged, is that the balance favours maintenance of the exemption. Instead, the starting point for the public interest test is that the balance between maintenance of the exemption and disclosure of the information is equal, even in a case where, as here, there is no doubt that the information falls into the class specified in the exemption.
31. Secondly, as noted by the public authority, the Commissioner has reached the opposite conclusion on the balance of the public interest in relation to section 37(1)(b) in recent Decision Notices and that this may be interpreted as inconsistency. In order to avoid any suggestion of inconsistency, the Commissioner would stress that the key reason for the different conclusion in this case is due to the content of the information in question. Whilst the Commissioner has concluded previously that a chilling effect may occur through the disclosure of

information relating to the honours process, those conclusions were largely based on the information in question in those cases including content that recorded free and frank contributions by officials. The information in question in this case includes no similar content.

Section 40(2) / 40(3)(a)(i)

32. Consideration of whether this exemption is engaged is a two stage process. First, the information in question must constitute the personal data of an individual aside from the requester. Secondly, the disclosure of this personal data must be in breach of at least one of the data protection principles.

33. Covering first whether the information in question constitutes personal data, section 1(1) of the DPA gives the following definition of personal data:

“‘personal data’ means 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.”

34. The position of the public authority is that the information in question constitutes the personal data of the named third party. The named third party can be identified from the content of this information and, therefore, the Commissioner concludes that this is personal data according to the definition given above.

35. Turning to whether disclosure of this information would breach any of the data protection principles, the public authority has argued that disclosure would breach the first data protection principle, which states that personal data shall be processed fairly and lawfully. The first issue to consider in connection with the first data protection principle is whether disclosure would be, in general, fair to the data subject. On this point the Commissioner returns to the content of the information in question. This consists of a recitation of the contributions made by the named third party that led to the honour and, as such, can only be said to reflect positively on the data subject. The Commissioner would also note that the content relates entirely to the named third party in a professional capacity. Given the content of this information, the Commissioner does not believe that disclosure of this would be unfair to the named third party.

36. In the refusal notice the public authority stated that disclosure would be unlawful and, therefore, in breach of the first data protection principle as it would contravene Article 8 of the European Convention on Human Rights (ECHR), which provides that there shall be no interference with the right to family and private life. For the purposes of section 44(1)(a) of the Act the Commissioner does not accept that Article 8 of the ECHR provides a statutory bar to disclosure. This view is based on the following comment made by the Information Tribunal in the case *Bluck v Epsom & St Helier University NHS Trust* (EA/2006/0090):

“...we do not believe that the effect of the Human Rights Act is to elevate to the level of a directly enforceable legal prohibition the general terms of Article 8” (paragraph 31)

37. The Commissioner also takes from this that Article 8 of the ECHR is not applicable to the requirement in the first data protection principle that personal data shall be processed lawfully and so does not accept this argument from the public authority. The Commissioner also notes that the ECHR Article 8 rights are taken into account in the DPA, meaning that any disclosure that is compliant with the DPA will not contravene these rights.
38. The public authority has also argued that disclosure would not be fair as none of the conditions given in Schedule 2 of the DPA, at least one of which has to be met in order to comply with the first data protection principle, would be met. The Commissioner has focussed here on the sixth condition in Schedule 2.
39. The sixth condition establishes a three part test:
1. Is there a legitimate interest of the public in disclosing the information?
 2. Is the disclosure necessary for a legitimate interest of the public?
 3. Would any disclosure that is necessary cause any unwarranted interference or prejudice to the rights, freedoms and legitimate interests of the data subject?
40. The Commissioner's response to each part of this test is as follows. First, the legitimate interest is that set out above in the section 37(1)(b) public interest analysis; furthering the transparency of the honours system. Secondly, disclosure would be necessary for the purposes of this interest owing to the lack of transparency in the honours system. Thirdly, disclosure would not result in prejudice to the data subject for the reasons set out above at paragraph 35, in short; because the content of this information is benign and concerns the individual's public life, not private life.
41. The Commissioner finds that the processing of personal data inherent in disclosure in response to the complainant's information request would meet the sixth condition in Schedule 2 of the DPA. Having already concluded that disclosure would, in general, be fair and would not be unlawful as suggested by the public authority, the overall conclusion of the Commissioner is that the disclosure would comply with the first data protection principle and so the exemption provided by section 40(2) in conjunction with section 40(3)(a)(i) is not engaged.

Section 40(2) / 40(4)

42. Section 40(4) provides that information that is the personal data of an individual other than the requester is exempt under the Freedom of Information Act if it is also exempt from the requirement of section 7(1)(c) of the Data Protection Act 1998, which provides to individuals a right of access to their own personal data. The effect of this exemption is that any information that constitutes personal data, but is not available to the data subject via section 7(1)(c) of the DPA, is also not available to any other person via the Freedom of Information Act.

43. Consideration of this exemption is a three stage process. First, the information in question must constitute personal data. Secondly, this information must be subject to an exemption from section 7(1)(c) of the DPA. Thirdly, as made clear by section 2(3)(f)(ii), this part of section 40 is subject to the public interest, meaning that this information should be disclosed if the public interest favours this even though the exemption is engaged.
44. The Commissioner has already covered the first point above at paragraph 34 and has concluded that the information in question is the personal data of the named third party. Turning to whether this personal data is exempt from section 7(1)(c) of the DPA, the argument of the public authority is that the exemption provided by DPA Schedule 7(3)(b) applies. This states the following:

“Personal data processed for the purposes of-

(b) the conferring by the Crown of any honour

are exempt from the subject information provisions.”

45. The task for the Commissioner here is to reach a conclusion as to whether this DPA exemption does apply in relation to the personal data in question. The Commissioner notes first that section 27(2)(b) of the DPA provides that section 7 of the DPA is part of the “*subject information provisions*”.
46. Secondly, on the issue of whether this personal data was processed for the purposes of the conferring by the Crown of any honour, the Commissioner would refer to his conclusion above at paragraph 17 that the exemption provided by section 37(1)(b) is engaged. In forming that conclusion the Commissioner has found that the information in question relates to the conferring by the Crown of an honour. For the same reasons as outlined in that paragraph, the Commissioner concludes that the personal data in question was processed for the purposes of the conferring by the Crown of an honour. The exemption from section 7(1)(c) of the DPA provided by DPA Schedule 7(3)(b) does, therefore, apply to this personal data.
47. The Commissioner has found that the information in question does constitute personal data and that this personal data is exempt from the requirement of section 7(1)(c) of the DPA. The exemption provided by section 40(2) in conjunction with section 40(4) is, therefore, engaged.

The public interest

48. The Commissioner considers the basis for the public interest test here to be twofold; first, similarly as in relation to section 37(1)(b), the public interest in openness and transparency in the honours system versus the public interest in the maintenance of the exemption provided by DPA Schedule 7(3)(b). The second basis is the public interest in maintenance of the principle that personal data that cannot be accessed by the data subject should not be accessible to a wider audience via the Freedom of Information Act.

49. The Commissioner's considerations and conclusion in relation to the public interest in the openness of the honours system versus the interest in maintaining the confidentiality of this system are as set out above when considering the balance of the public interest in connection with section 37(1)(b). The Commissioner finds that the content of the information in question means that disclosure would not result in harm to the honours system and so the public interest in furthering the transparency of this system tips the balance in favour of disclosure.
50. Turning to the second factor, the Commissioner recognises that there is a public interest in maintaining the principle that personal data that cannot be accessed by the data subject should not be made available via the Act. However, the weight that the Commissioner affords to this factor will vary from case to case and will depend primarily on the content of the information. The Commissioner has already concluded that the benign nature of the content of the personal data in question means that disclosure would not be unfair to the data subject. The nature of this information also means that the Commissioner gives this public interest factor less weight than he might had it been the case that, for example, the content of this information included critical comments about the named third party's nomination for an honour. Given this reduced weight, the Commissioner concludes that this factor is outweighed by the public interest in furthering the transparency of the honours system.
51. The conclusion of the Commissioner is that the public interest in the maintenance of the exemption does not outweigh the public interest in disclosure. The primary reason for this conclusion is that the benign nature of the content of the information in question means that disclosure would not result in harm to the honours system or to the data subject.

Procedural Requirements

Section 1

52. In refusing to disclose the information requested on the basis of exemptions which the Commissioner does not now uphold, the public authority has failed to comply with section 1(1)(b).

Section 10

53. In refusing to disclose the information requested within 20 working days of receipt of the request on the basis of exemptions that the Commissioner does not now uphold, the public authority has failed to comply with the requirement of section 10(1).

Section 17

54. The public authority issued an initial response that cited section 37(1)(a) and stated that longer was required in order to consider the public interest in relation to this exemption. This response did not, however, confirm that this exemption

was engaged, or explain why. The substantive refusal notice that was eventually provided on 14 August 2008 made no mention of section 37(1)(a) and instead cited section 40(2). The public authority later cited section 37(1)(b) at internal review stage.

55. Section 17(3) allows for a time extension only in order to assess the balance of the public interest. There is no extension beyond 20 working days available to consider what exemptions might be engaged and the reasoning for this. In failing to issue a refusal notice within 20 working days of receipt of the request confirming that the exemptions provided by sections 40(2) and 37(1)(b) were believed to be engaged and explaining the reasons for this, the public authority contravened section 17(1).
56. The public authority did not at any stage address the balance of the public interest in connection with the exemption provided by section 40(2) in conjunction with section 40(4). In so doing the public authority failed to comply with the requirement of section 17(3)(b).

The Decision

57. The Commissioner's decision is that the public authority did not deal with the request for information in accordance with the Act in that it breached section 1(1)(b) in failing to disclose the information requested on the basis of exemptions that the Commissioner does not uphold. The Commissioner has also found that the public authority failed to comply with the procedural requirements of sections 10(1), 17(1) and 17(3)(b) in its handling of the request.

Steps Required

58. The Commissioner requires the public authority to take the following steps to ensure compliance with the Act:
 - disclose to the complainant the information previously withheld under sections 37(1)(b) and 40(2).
59. The public authority must take the steps required by this notice within 35 calendar days of the date of this notice.

Failure to comply

60. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Other matters

61. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern:

The Commissioner's published guidance on internal reviews states that a review should be conducted within 20 working days, unless there are exceptional circumstances, in which case the review period may be extended to 40 working days. In this case the Commissioner notes that there appeared to be no exceptional circumstances, but that the public authority failed to provide the outcome to the review within 20 working days. Neither did the public authority respond within 40 working days. The public authority should ensure that internal reviews are carried out promptly in future.

Right of Appeal

62. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@tribunals.gsi.gov.uk.
Website: www.informationtribunal.gov.uk

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.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 19th day of January 2010

Signed

**Graham Smith
Deputy Commissioner**

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

Legal Annex

Freedom of Information Act 2000

Section 1

Section 1(1) provides that -

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

Section 10

Section 10(1) provides that –

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

Section 17

Section 17(1) provides that –

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

(a) states that fact,

(b) specifies the exemption in question, and

(c) states (if that would not otherwise be apparent) why the exemption applies.”

Section 17(3) provides that –

“A public authority which, in relation to any request for information, is to any extent relying on a claim that subsection (1)(b) or (2)(b) of section 2 applies must, either in the notice under subsection (1) or in a separate notice given within such time as is reasonable in the circumstances, state the reasons for claiming -

(a) that, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the authority holds the information, or

(b) that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Section 37

Section 37(1) provides that –

“Information is exempt information if it relates to-

- (a) communications with Her Majesty, with other members of the Royal Family or with the Royal Household, or
- (b) the conferring by the Crown of any honour or dignity.”

Section 40

Section 40(2) provides that –

“Any information to which a request for information relates is also exempt information if-

- (a) it constitutes personal data which do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied.”

Section 40(3) provides that –

“The first condition is-

- (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-
 - (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
- (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.”

Section 40(4) provides that –

“The second condition is that by virtue of any provision of Part IV of the Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).”

Data Protection Act 1998

Section 7

Section 7(1) provides that –

“(1) Subject to the following provisions of this section and to sections 8 and 9, an individual is entitled—

(a) to be informed by any data controller whether personal data of which that individual is the data subject are being processed by or on behalf of that data controller,

(b) if that is the case, to be given by the data controller a description of—

(i) the personal data of which that individual is the data subject,

(ii) the purposes for which they are being or are to be processed, and

(iii) the recipients or classes of recipients to whom they are or may be disclosed,

(c) to have communicated to him in an intelligible form—

(i) the information constituting any personal data of which that individual is the data subject, and

(ii) any information available to the data controller as to the source of those data”