



Freedom of Information Request FOI1448

Request:

Can you please provide the following information I would like to obtain a list of ALL empty/abandoned/derelict residential properties and buildings in North Tyneside Metropolitan Borough Council. These are properties which are owned by the Council, companies or private individuals. This needs to be in an excel spreadsheet format.

- Property Type - Flat, semi detached, terrace, detached, RETAIL
- Full address including house number/name and full postcode
- Number of Bedrooms

Submitted on 09/07/19.

Response:

The information is exempt from disclosure under sections 40(3)(a) and 31(1)(a) of the Freedom of Information Act 2000.

The Information Tribunal (case ref EA/2006/0060 & 0066) found that the address of a property and the address or other details of the owner, where the owner was a private individual, were personal data as defined by the Data Protection Act 1998, and therefore fell within the exemption in Section 40 (3) (a) (i) (Personal Information) of the Freedom of Information Act 2000.

The exemption under Section 40 (3) (a) (i) is engaged if the processing of personal data in response to a request would breach one or more of the data protection principles. In this case the Tribunal considered that the individuals concerned had supplied information about their empty properties to the council purely for the council's use, for Council Tax purposes, and with no expectation that the information would be published to the wider public domain. The Tribunal also considered that to obtain information for one statutory process and then re-use it for another purpose without informing the owner of the data would be a breach of Data Protection law. This is an absolute exemption.

Additionally a First-tier tribunal (case ref EA/2011/0007) found that providing the addresses of empty properties could lead to vandalism, squatting and criminal actions in respect of these properties.

The exemption under Section 31 (1)(a) relates to Law enforcement and is engaged when disclosure of the information under this Act would, or would be likely to, prejudice the prevention or detection of crime. As Section 31(1) is a qualified exemption, we are also required to decide, on a case by case basis, whether the public interest in maintaining this exemption outweighs the public interest in its disclosure. The Information Commissioner has suggested that the factors that would weigh in favour of disclosure would include:

- Furthering the understanding and participation in the public debate of issues of the day.
- Promoting accountability and transparency by public authorities for decisions taken by them.
- Promoting accountability and transparency in the spending of public money.
- Allowing individuals, companies and other bodies to understand decisions made by public authorities affecting their lives.
- Bringing to light information affecting public health and safety.

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