



Valuation Office  
Agency

Information Management and  
Disclosure  
Chief Executive's Office  
Valuation Office Agency

Valuation Office Agency  
Wingate House  
93/107 Shaftesbury Avenue  
London  
W1D 5BU

Mr Stuart Harrsion

Email: [foi@voa.gsi.gov.uk](mailto:foi@voa.gsi.gov.uk)

To request-224802-  
[642b154f@whatdotheyknow.com](mailto:642b154f@whatdotheyknow.com)

Our Reference: 11766216.1/CEO

Date: 10 September 2014

Dear Mr Harrsion

**Freedom of Information Act 2000 (FOIA) –Request**  
VOA ref: 11766216.1/CEO

Thank you for your request which was received by the Valuation Office Agency (VOA) on 13 August 2014. You have stated that you are seeking the following information relating to the National Non-Domestic Rating List Dataset under the above Act:

1. *To your knowledge, does the dataset contain any information that is copyright Royal Mail, or data over which Royal Mail has a database right?*
2. *To your knowledge, does the dataset contain any information that is copyright Ordnance Survey, or data over which Ordnance Survey has a database right?*

*I appreciate it might be hard to give a clear answer to either of these questions because they may venture into areas of legal uncertainty (for example about the extent of Royal Mail's copyright or database rights). Therefore please answer the following:*

1. *How was the database behind the published dataset first created, specifically:*
  - a. *Who created it, when, and from what sources?*
    - b. *Was the Postcode Address File from Royal Mail or AddressBase from Ordnance Survey, or any predecessor products to AddressBase, or any products incorporating these products, used as a source of addresses when creating the dataset?*
    - c. *Were any of these products used to check, validate or correct addresses from another source when the original database was created?*
2. *How is the database behind the published dataset updated, specifically:*
  - a. *What sources of information are used to update the database?*
  - b. *Are updates from Royal Mail or Ordnance Survey used to provide updates to the database?*
  - c. *Do you check, validate or correct addresses in updates to the database against either the Postcode Address File from Royal Mail or AddressBase from Ordnance Survey, or any service that uses those databases as its source?*
3. *Have you taken legal advice prior to making this data available under the Open Government Licence that by doing so you are not infringing third-party intellectual property rights?*

I can confirm that the VOA holds information falling within the description specified in your request.

However, we estimate that the cost of complying with these requests would exceed the appropriate limit, specified in regulations, which represents the estimated cost of one person spending 3½ working days in locating, retrieving and extracting all of the information within scope of your request. Under section 12 of the FOIA the VOA is not obliged to comply with your request and we will not be processing your request further.

If you were to make a new request for a narrower category of information, it may be that we could comply with that request within the appropriate limit, although I cannot guarantee that this will be the case. It may help if I outline some possible ways of narrowing your request and explain when we will refuse to disclose information and why.

You may wish to refine your request by:

- narrowing its scope,
- by being more specific about what information you particularly wish to obtain,
- by including dates or a period of time relating to the request.

However I should point out that the VOA is an executive agency of HM Revenue and Customs (HMRC) and we have a general duty of confidentiality to any legal or actual person<sup>1</sup>. This means we cannot disclose any information that would identify a person or enable them to be deduced from any information provided under the FOIA. Further if any legal advice is held, it is legally privileged and we would rely on section 42(1) of the FOIA.

### **Your formal appeal rights**

If you are not happy with this reply you may request a review by writing to The Chief Executive's Office: Customer Service Team, Valuation Office Agency, Wingate House, 93/107 Shaftesbury Avenue, London, W1D 5BU. email: [foi@voa.gsi.gov.uk](mailto:foi@voa.gsi.gov.uk).

You must request a review within 2 months of the date of this letter. It would assist our review if you set out which aspects of the reply concern you and why you are dissatisfied.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Valuation Office Agency. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Melanie Bond  
Head of Knowledge and Information Management

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<sup>1</sup> Set out in section 23 of the Commissioners for Revenue and Customs Act (CRCA) 2005.

<http://www.legislation.gov.uk/ukpga/2000/36/contents>

**Section 12 refers to an exemption where cost of compliance exceeds appropriate limit.**

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) "the appropriate limit" means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

**Also see the Fees Regulations :**

<http://www.legislation.gov.uk/uksi/2004/3244/contents/made>

