

**AYLESBURY VALE DISTRICT COUNCIL
RESPONSE TO INFORMATION REQUEST**



AYLESBURY VALE
DISTRICT COUNCIL

**Reference
FOI 2987**

This request was answered under the legislation indicated below:-

DP Data Protection Act 1998 Subject Access Request (£10 fee payable)

DP Data Protection Act 1998 Section 29 (3)

FOI Freedom of Information Act 2000 (usually free)

EIR Environmental Information Regulations 2004

Date Reply Sent: 4 November 2013

AVDC response

Dear requestor,

Thank you for your information request to Aylesbury Vale District Council (AVDC).

There are circumstances when it is reasonable and correct for public authorities to delay the provision of information until it is made generally available through publication.

Section 22 of the FOIA says that information is exempt if, at the time a public authority receives a request for it:

- a) the public authority holds it with a view to its publication;
- b) the public authority or another person intends to publish the information at some future date, whether determined or not; and
- c) in all the circumstances it is reasonable to withhold the information prior to publication.

We are refusing your request as we publish, and regularly update, a set of information relating to business rates on our website, from which your request can be answered.

We therefore hold the information with a view to its publication and are refusing your request under Section 22 of the FOI Act.

Although the exact date of the next publication of this information is not confirmed, we generally expect to update this information every 3 months. For your information, the link to the previous set of information we have published is:

Please can you provide me with the following information under the Freedom of Information Act 2000:-

(a) Addresses and rateable values of commercial premises that are within your District Council up to a rateable value of £12,000 who are eligible for, but not currently receiving small business rate relief; and

(b) The name of the liable person/company of those properties referred to in (a)

<http://www.aylesburyvaledc.gov.uk/about/accessing-information/business-rates-freedom-information-requests/>

Section 22 provides a qualified exemption, so public authorities must consider whether the public interest in applying the exemption is greater than the public interest in providing the information. In deciding to refuse this request we have decided that there is no public interest in running such reports on an ad-hoc basis when the information will be regularly published, and requestors can also review the previous set of information published at any time by using the above link. Furthermore, publishing the information to all parties at once provides a level playing field for all requestors.

Should you require further information, please contact records@aylesburyvaledc.gov.uk or write to The Administration and Information Officer, IT Division, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks, HP19 8FF.

If you feel that your request has not been properly handled or if you are dissatisfied with the outcome, you can request an internal review in accordance with the Council's Comments and Complaints procedure. You will find details of the procedure on our website www.aylesburyvaledc.gov.uk under the heading Council and Democracy.

Please note that you have the right to make a complaint direct to the Information Commissioner and details on how to do this are set out on the Information Commissioner's website www.informationcommissioner.gov.uk under the heading "Complaints". The Information Commissioner, however, will normally expect a complainant to have exhausted a public authority's internal review procedures first.

Yours sincerely,

Karen McMahon
Administration and Information Officer
IT Division
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury
Bucks

Copyright

The copyright in the material contained in this document is owned by Aylesbury Vale District Council unless otherwise stated. The supply of documents under the Freedom of Information Act does not give the person or organisation who receives them an automatic right to re-use the documents in a way that would infringe copyright, for example, by making multiple copies, publishing and issuing copies to the public. Brief extracts of the material may be reproduced under the fair dealing provisions of the Copyright, Designs and Patents Act 1988 (sections 29 and 30) for the purposes of research for non-commercial purposes, private study, criticism, review and news. Authorisation to re-use copyright material not owned by Aylesbury Vale District Council should be sought from the copyright holders concerned. If in doubt, users should contact us in the first instance.

Data Protection

AVDC is a Data Controller under the Data Protection Act 1998. We hold information for the purposes specified in our notification to the Information Commissioner and may use this information for any of them. We may receive information about you from other organisations, or we may give information to them. If we do it will only be as the law permits, to check the accuracy of information, to prevent fraud or detect crime, or to protect public funds.