

Contact: Julie Hodgson
Direct tel: 03000 268037
Email: inforights@durham.gov.uk
Our ref: 1819105



Date: 01/09/20

Dear Mr Fraser

Freedom of Information Act 2000

This request is being handled under the Freedom of Information Act 2000.

You requested:

I would like to request a list of derelict/ abandoned residential property that I could purchase

Our response:

Under section 1(1) of the Freedom of Information Act 2000 (FOIA) the information you are requesting is held, however, it is exempt from release under section 31 (1)(a) of the FOIA – Law Enforcement.

This is a qualified exemption, subject to a public interest test. This means we need to consider the potential harm arising from disclosure and carry out a public interest test. The public interest test is to consider in all the circumstances of the case, whether the public interest in maintaining the exemption outweighs the public interest to disclose.

We do, as a council, recognise the need for transparency and accountability in our working practices and procedures however, in this case, it is important to remember that when information is released under the Act, it is considered released into the wider public domain. Disclosure of this information, if disclosed, would be harmful as it would likely increase the possibility of physical danger to those individuals living in close proximity to the empty properties. There is also a danger of physical harm to those persons who may consider entering such properties illegally as they would not have a standard means of entry.

Resources

Durham County Council, County Hall, Durham DH1 5UF
Main Telephone 03000 26 0000

Text Messaging Service 07797 870 192- your message must start with the word: INFO

In support of the above please note in:

Yiannis Voyias v Information Commissioner and the London Borough of Camden (EA/2001/0007 23 January 2013) the First Tier Tribunal upheld the council's decision to withhold the Addresses' of empty houses under section 31(1)(a). In this case, the information had been collected for council tax purposes and to inform the council's policies aimed at returning empty homes to the housing market. However, the First Tier Tribunal was satisfied that, if disclosed, the information could be used by squatters. Although squatting was not at that time a criminal offence, squatting is associated with criminal damage, for example, when entering and securing properties. Criminal gangs who stripped buildings of valuable materials and fixtures could also use the list to target properties.

On balance of the public interest, we favour maintaining the exemption.

Under section 17 of the FOIA this letter acts as a refusal notice.

Please quote the reference number 1819105 in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Please put your grounds for an appeal in writing and email us back explaining which internal review applies.

- Late (you want us to explain why the response was late or has not yet been provided)
- Disagree with exemption (wrong exemption, or applied incorrectly)
- Disagree with the public interest test (Explain in detail why you believe the public interest test favours disclosure.)
- Request is incomplete, information is missing (indicate what is missing), information is inaccurate Information is not what was requested.

Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to inforigxxx@xxxxxx.xxv.uk

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If you are still dissatisfied with the Council's response after the internal review you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF.
Telephone: 01625 545 700
Website: www.ico.gov.uk

We would like to hear your views on our service. If you'd like to tell us how we did, you can complete our feedback form online at
<http://www.yourwebsite.co.uk/foifedback>

I will now close your request as of this date.

Yours sincerely

Julie Hodgson
Freedom of Information and Data Protection Officer

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