



**Housing and Technical Resources**  
Executive Director **Daniel Lowe**  
**Property Services**

Chris White  
(request-380085-  
[893362c8@whatdotheyknow.com](mailto:893362c8@whatdotheyknow.com))

**Our ref:** Cal Reference 22530  
**Your ref:**  
**If calling ask for:** Joanne Forbes  
**Phone:** 01698 455139  
**Date:** 17 January 2017

Dear Mr White

**Freedom of Information (Scotland) Act 2002 (FOISA)**  
**Request for Information**

I refer to your information request dated 5 January 2017 requesting the following information:

Please provide information on the details of commercial properties owned by or under lease to South Lanarkshire Council.

1. Address and Postcode
2. Rateable Value of Property
3. The period of time the property has been vacant/let
4. If let, the trading name of the tenant

**Holding the Information**

The Council has searched its records and has located some of the information that you have requested.

**Response to Request(s)**

The Council can give you some of the information that it has in relation to your request. This information is as follows:-

Please find attached a list with the details you require. At point 4 – names of individuals have been redacted from the list conforming to Data Protection Laws.

**Request partially refused in terms of section 38 (1) (b)**

The Council is refusing part of your request because the information that you have asked for is exempt from disclosure under FOISA.

The Council can withhold information where one or more exemptions listed in FOISA apply. The relevant exemption is:-

Council Offices, Almada Street, Hamilton ML3 0AA  
Phone: 01698 455139 Fax: 01698 455102 Email: [joanne.forbes@southlanarkshire.gcsx.gov.uk](mailto:joanne.forbes@southlanarkshire.gcsx.gov.uk)



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- ❖ The information amounts to personal information which
  - relates to another person and the disclosure of the information to you would breach the data protection principles laid down by the Data Protection Act 1998 (section 38(1)(b) and (2)(a)(i) or (2)(b))

### ***How the exemption applies to the information being withheld***

The Council considers that some of the requested information is personal data as defined by the Data Protection Act 1998.

Personal data is defined within the Data Protection Act 1998 ("the DPA") as "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..."

Consequently, in order to be personal data, the information must

- be about a living individual, and
- relate to that individual, i.e. tell something or be used in some way regarding the individual concerned.

The information considered personal data is the names of various tenants where the lease is in their personal name and not a company/ organisation. This information is considered personal data as the individuals are living individuals who can be identified from that information and relates to them: the information identifies persons who are tenants of the Council.

As you have requested information that contains the personal data of someone else, the Council must be satisfied that it can provide the personal data without breaching one of the rules set down in the DPA. These rules are called the data protection principles. In cases such as this the relevant principle to be considered is the first data protection principle.

In relation to your request, the first data protection principle states that the disclosure of the information to you must be

- fair and
- lawful and in particular meet a condition set down in Schedule 2 to the DPA.

It is the practice of the Scottish Information Commissioner to consider whether disclosure of the information would be lawful in relation to meeting a processing condition before looking at the more general principles of fairness and lawfulness. This Council adopts the same approach.

### **Request for Review**

The Council has a Review Panel to deal with complaints from people who are not happy about the way that it has handled their request. Staff not involved in the original decision will handle any review.

If you want to complain, you can ask the Review Panel to look at the way that we have dealt with your request. It will consider whether we have complied with the requirements of FOISA. Please note that if you wish to complain, you must do so by 30 March 2017. You must explain why you are not happy when requesting a review.

Please note that the Review Panel cannot look at any decisions taken by the Council or actions of the Council or any of its employees or a service provided by it that are not connected to the handling for request for information.

You should send your request for a review to:

Mr. W. Dunn  
Information Compliance Manager  
Finance and Corporate Resources  
Floor 13  
Council Offices  
Almada Street  
Hamilton  
ML3 0AA

Alternatively, you can request a review at [foi.reviews@southlanarkshire.gov.uk](mailto:foi.reviews@southlanarkshire.gov.uk).

### **Appeal to the Scottish Information Commissioner**

If you are not happy with the outcome of the review, you can appeal to the Scottish Information Commissioner. The Commissioner will decide whether the Council has dealt with your request properly. Please see the Commissioner's website at [www.itspublicknowledge.info](http://www.itspublicknowledge.info) for further details.

Yours sincerely

  
**Joanne Forbes**  
**Estates Manager**  
Encl.

