

Reference: 9302065  
Date: 20 February 2019

Dear Mr Ajjan

**Re: Freedom of Information Act 2000**

We are writing in reference to your Freedom of Information request.

Section 1 of the Freedom of Information Act 2000 provides two distinct but related rights of access to information which impose corresponding duties on public authorities. These are:

- The duty to inform the applicant whether or not information is held by the authority and, if so,
- The duty to communicate that information to the applicant.

Section 17 of the Freedom of Information Act 2000 requires the London Borough of Barking and Dagenham, when refusing to provide such information (because the information is exempt within the provisions of the Act) to provide you, the applicant, with a Notice which:

- a) states the fact that an exemption has been applied
- b) specifies the exemption in question, and
- c) states why the exemption applies (if that would not otherwise be apparent)

Please find below a copy of your request along with the exemptions that apply:

- 1) *Please could you supply me with a copy of the HMO register along with the names and address of the owners.*

Section 21 - Information reasonably accessible to the applicant by other means. This is an absolute exemption.

Please find the link below which will help you find the information you have requested:

<https://www.lbbd.gov.uk/property-licensing>

- 2) *Could you also provide an address list of current long-term empty homes within the borough. (privately and council owned)*

S31 Prevention/Detection of crime.

S 31 states

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice:

- (a) The prevention or detection of crime

(Qualified and Prejudice-based)

Having stated the statutory exemption to disclosure above, I am also required to apply the harm test and the public interest test in order for the Council to determine whether the public interest arguments for disclosure outweigh the public interest arguments against disclosure. We also consider that disclosure of the information could potentially breach the 7<sup>th</sup> Principle of the Data Protection Act 1998

### **Factors favouring disclosure**

Openness and transparency

### **Factors favouring non-disclosure**

It is not in the public interest to disclose this information as disclosure of this information could lead to the properties being the focus of criminal activity, substantial risk of harm arising from criminal activities.

Balance test

The public interest in maintaining the exemption outweighs any public interest in releasing the data.

- 3) *Lastly, would you be able to provide an address list of Council houses and housing association*

S40(2) Personal information of a person other than the requestor (third party information).

Section 40 is an absolute, class-based exemption for which there is no requirement for me to iterate the harm which a release would cause nor to consider any public interest test.

### **Internal Review Procedure**

If you are dissatisfied with the handling of your request, then you have a right under Section 50 of the Act to request an internal review. All such requests must be sent to us within 8 weeks and must clearly state your reference number and your reason for your request for an internal review.

We will respond to your request for an internal review within 20 working days of receipt. Your request for an internal review should be sent by email to [xxx@xxxx.xxx.xx](mailto:xxx@xxxx.xxx.xx) quoting your FOI reference number.

## Information Commissioners Office

Should you remain dissatisfied with the final outcome of the internal review then you may apply directly to the Information Commissioner (the “ICO”) for an independent review. The ICO is the Government’s Independent Body responsible for overseeing the Freedom of Information Act 2000, the Data Protection Act 1998 and The Environmental Information Regulations 2004. Please note the ICO will only review cases that have exhausted the council’s internal review procedure. All correspondence to the ICO must quote the council’s reference number and your reasons for your appeal. The ICO’s contact details are as follows:

The Information Commissioners Office,  
Wycliffe House,  
Water Lane, Wilmslow,  
Cheshire,  
SK9 5AF.

More information can be found at the ICO’s website at <http://www.ico.org.uk> If you have any further enquiries about this matter, please do not hesitate to contact us by emailing [xxx@xxxx.xxx.xx](mailto:xxx@xxxx.xxx.xx)

We trust you find the above to be satisfactory, but should you have any queries please do not hesitate to contact us.

Yours sincerely

The FOI Team