

J. Ross

London Borough of Redbridge
Lynton House
255-259 High Rd,
Ilford IG1 1NN

Please reply to:
John Summers
Senior Reviews Officer
020 8708 4541
icw.information@redbridge.gov.uk
www.redbridge.gov.uk

Our ref: 7245206

Date: 4 November 2019

Your reference: request-611267-ebc06c66@whatdotheyknow.com

Dear J. Ross

Freedom of Information Act 2000

Thank you for your request for information received on 12 October 2019.

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.

Please see below a copy of your request and the information being released to you.

1. Information as to whether the council billing authority instigates bankruptcy proceedings against it's customer being a natural individual (not a company or trader) for non-payment of council tax under the EU Regulations or national law(Insolvency Act 1986 and Insolvency Rules).

Insolvency proceedings are issued under Insolvency Act 1986 and the insolvency rules 2016 apply, national law.

2. Clarify if the council files a bankruptcy petition under the EU Regulations what cross border element applies.

(a) Does this cross border element apply to the council (local billing authority) or to your customer and state which EU Article and section applies that must be contained within the bankruptcy order.

The principal EU legislation that deals with cross border insolvency is Regulation (EU) 2015/848. The regulation applies in relation to the insolvency of any debtor with its centre of main interest in an EU member state, excluding Denmark.

(b) If the cross border element under the EU Regulations effects the council directly, please clarify where this legal entity is located and operates from.

Not applicable.

(c) State the court or hearing centre or office that receives and hears these petitions.

Not applicable.

3. National law also sets out the conditions for the opening of insolvency proceedings, including requirements relating to what notice should be given to your customer (debtor), both pre-insolvency and once insolvency proceedings have commenced.

(a) Identify who sends out these notices and if agents are used by the council in which capacity they act.

Any required documents are served by a process server who is an agent for the Council.

(b) Provide a copy of these notices and the information they must contain (customers details redacted).

A copy of a statutory demand is attached.

(c) State the court or hearing centre or office that receives and hears these petitions.

This depends on the whereabouts of the customer.

(d) Confirm where the court makes a bankruptcy order whether the following is contained within that order that the council obtains 'the order that the court is satisfied that the EU Regulations does not apply in relation to the proceedings'.

If there is no cross-border element, yes.

4. Confirm what Data protection is in place for sharing your customers (natural individual person in contrast to a fictional entity) information and data in regards to the EU Regulation cross border element.

(a) And where no cross border element is involved (national law).

See below.

(b) State who is granted access and how this data and information is shared under national law, and where the EU Regulation cross border element applies.

Data is transferred between the Council and its advisor in a way that meets GDPR requirements. The categories of data that are transferred routinely securely by the advisor

are those relating to bulk data, medical information, information relating to children and banking details. A secure transfer portal is available together with encrypted emails. Only parties entitled to the data will have access to it.

Please quote the reference number 7245206 in any future communications.

If you are dissatisfied with the outcome or the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within **20 working days** of the date of receipt of the response to your original email or letter and should be addressed to: Information Officer, 7th Floor (front), Lynton House, High Road, Ilford, IG1 1NN or sent to icw.information@redbridge.gov.uk

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

Although the London Borough of Redbridge has considered your request strictly in accordance with the Act, if any or all of the information provided is to be published or broadcast, we would like the opportunity to comment on the information provided, in so far as that publication or broadcast refers to, or in any way identifies, the London Borough of Redbridge before the information is published or broadcast. The London Borough of Redbridge's Press Office can be contacted on pressoffice@redbridge.gov.uk

Yours sincerely

John Summers
Senior Reviews Officer