

J Ross
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Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Our Ref: RFI151958827
Date: 22 November 2019

Re: Request for Information - Reference Number RFI151958827 - Please quote this reference number if contacting the Council in relation to this matter.

Dear J Ross,

Thank you for your request for information, which was received on the 21st October 2019. Your request has been considered under the Freedom of Information Act 2000.

Request

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).

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

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.

- (b) Provide a copy of these notices and the information they must contain (customers details redacted).
- (c) State the court or hearing centre or office that receives and hears these petitions.
- (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'.

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).
- (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.

Response

Please see below the information you have requested .Please note that where Harlow Council does not hold the information requested under the Freedom of Information Act 2000, it will, at its discretion, endeavor to answer your query outside the scope of the Act.

- 1. Where the Council has instigated Bankruptcy proceedings for council tax this has been in accordance with the Council Tax (Administration & Enforcement) Regulations 1992, and the relevant UK Insolvency laws in place at the time.
- 2a. Harlow Council does not file bankruptcy petitions under the EU regulations
- 2b. N/A
- 2c. N/A
- 3a. The Council itself would be responsible for the process.
- 3b. Harlow Council does not hold this information as a template, these notices are produced as and when required.
- 3c. HM Courts
- 3d. As above, this would be decided by HM Courts on granting the order.
- 4a-b. Harlow Council has data sharing agreements in place with contractors and uses standard terms to ensure that GDPR and DPA 2018 compliance is met.

If you are dissatisfied with the response you have received and wish to request a review of our decision or make a complaint about how your request has been handled you should write to Contact Harlow at the above address or complete the on-line complaint form that can be found at www.harlow.gov.uk. Your request for an internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of Harlow Council.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to the Information Commissioner for a decision by writing to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

A handwritten signature in cursive script that reads "matreacher".

Maisy Treacher

Freedom of Information Officer

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