



Ministry
of Justice

Disclosure Team
Ministry of Justice
102 Petty France
London
SW1H 9AJ

Noel Minikin
Request-480046-ddd46f7f@whatdotheyknow.com

data.access@justice.gsi.gov.uk

2nd May 2018

Dear Mr Minikin,

Freedom of Information Act (FOIA) Request – 180424006

Thank you for your request dated 24th April 2018 in which you asked for the following information from the Ministry of Justice (MoJ):

Please can you supply me with the names and addresses of all the homeowners who have had a court hearing at Leeds county court in the last 6 months, and have a pending court hearing over the next 6 months for mortgage arrears and are facing repossession of their home?

We are a property solution company who specialise in helping people facing repossession and can offer help to homeowners who are in this situation.

We know the court hearings are public data and it can be requested. So could you please supply us with the data of all defendant's and the addresses of the property that is the subject of repossession proceedings, who have had court hearings in the last 6 months and who have court hearings pending within the next 6 months.

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested. However, the information is exempt from disclosure under section 21(2)(a) of the FOIA, because it is reasonably accessible to you. The information can be accessed via the following link:

<https://www.courtserve.net/>

<https://www.courtserve.net/courtlists/current/county/indexv2county.php>

The above site provides access to court lists, which provide the following information, the case number, claimants name and defendant's name. The addresses of the parties are not contained within the public lists. It should be noted that the possession lists are not solely mortgage possession cases but also rent possessions. In regards to your request for data in respect of the last six months, archived lists can also be requested; these lists will not however provide the property addresses.

In respect of the addresses of the properties I can confirm that the department holds information that you have asked for, but in this case we will not be providing it to you as it is exempt from disclosure.

We are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing would contravene any of the provisions in the Data Protection Act 1998 (DPA) for example, if disclosure is unfair.

The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

In addition as the information requested is part of the court record it is therefore exempt by virtue of section 32 of the Freedom of Information Act (Court Records). Section 32(1) of the Act exempts information contained in certain documents created by courts and would apply regardless of the content of the information. It is an absolute exemption and there is no duty to consider the public interest in disclosure.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gsi.gov.uk

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Knowledge and Information Liaison Officer

NE Regional Directors Office