



# Doncaster Council

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Your Ref:

Date: 15<sup>th</sup> March 2018

Dear Sir or Madam

Thank you for your Freedom of Information request dated 22<sup>nd</sup> February 2018 for information about credits.

## **Notice under Section 17(1) of the Freedom of Information Act 2000 - REFUSAL TO DISCLOSE INFORMATION**

### **Decision:**

After carefully considering your request, the Council has decided to refuse to disclose the information you have asked for under Section 17 (1) of the Freedom of Information Act 2000. The Council believes that this information is exempt from disclosure under Section 31(1)(a) where disclosure of this information would be likely to prejudice the prevention or detection of crime.

### **Basis for decision:**

This law allows us to refuse to disclose information, through the Freedom of Information Act process, which refers to "public interest". This is called an "exemption".

Why does the exemption apply in this case?:

Section 31(1)(a) provides an exemption where prejudice could be caused to allow potential fraudsters to use the information to identify business entities which were entitled to claim credits on their accounts. Once such a business had been identified, there would be a number of avenues open to the fraudsters to seek to obtain funds.

### **Public Interest Test:**

This exemption is qualified and on that basis I have considered whether or not in this case the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In order to do this, the following factors have been considered;

### **Factors in favour of disclosure**

Withholding the information could be perceived as the council attempting to retain monies that belong to the public.

It is in the public interest to be open and transparent about our use of public funds.

It is also in the public interest to provide some transparency regarding the records we hold in respect of the administration of business rates. This could be of interest to the minority of people who are due a refund, but have somehow failed to receive the notifications that money is due to them.

### **Factors in favour of withholding**

There is a public interest in ensuring that monies from the public purse, such as rebates on business accounts, are not fraudulently claimed and also a public interest in not making it easier for fraud to be committed.

Our current verification procedure for refund claims is simple and cost effective. Disclosure of the requested information would result in additional verification processes needing to be implemented, at additional cost to the public which appeared disproportionate to the benefits that would accrue from disclosure. The additional verification procedures would also be likely to slow the verification process, resulting in detriment to the genuine ratepayer which would be contrary to the public interest.

In relation to any new verification processes that might be needed, these would be likely to require the production of additional documents by those claiming a refund which would place a new administrative burden on the majority of those legitimate claimants that did not currently exist. This would be compounded by the fact that the level of scrutiny of those documents would be higher than at present, given the increased suspicion that some of the claims (and associated documents) might well be fraudulent. The result would be that a new verification process would be likely to slow the rate at which credit balance claims could be considered and refunded, causing delay in all refunds and the likelihood of complaints, which would further burden our limited resources.

Disclosure of the requested information would result in the need to implement disproportionate steps and additional expense to the public purse to counter an increased fraud risk that does not exist at present.

The cost consequences of a successful fraudulent claim would:

- have incurred the cost of paying out to the fraudster;
- remain liable to the legitimate rate payer for an equivalent amount, raising the prospect of paying out twice; and
- be faced with the cost (legal and incurrence of internal management time) of seeking to recover the funds wrongly paid to the fraudster.

It would not be in the public interest to expose it to such potential costs and expenses, given that they would be funded from the public purse.

Based on the above I do not consider that the public interest outweighs the need to protect against the risk of criminal acts being committed if the Council released this information at this time.

I hope that this information is useful to you.

**Reviewing any decisions made:**

You can ask us to review any decisions made about your request. You do this by writing to

Freedom of Information Officer,  
Doncaster Council,  
Civic Office,  
Waterdale  
Doncaster,  
DN1 3BU

E-mail: [FOIAppeals@doncaster.gov.uk](mailto:FOIAppeals@doncaster.gov.uk)

You can apply to the Information Commissioner for a decision about our compliance or otherwise with the Freedom of Information legislation. Please contact the Commissioner for details on how to do this - telephone 01625 545700, address: Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Internet: <http://www.informationcommissioner.gov.uk/>

Yours sincerely,

Miss J Gaskell  
Technical Adjudication and Control Officer