



Doncaster
Council

www.doncaster.gov.uk

c smith <request-466522-
80096d79@whatdotheyknow.com>

Contact: Peter Jackson
Date: 8th June 2018
Our ref: FOI 59867
Call: 01302 73600
E-mail: foiappeals@doncaster.gov.uk

Dear Sir or Madam

Re: Freedom of Information Act 2000 – Internal Review

Thank you for your request to review our response to your Freedom of Information request dated 22nd February 2018 for information about nndr credits.

I have reviewed the original response and can report as follows:

Decision:

After reviewing the request, I can confirm that your appeal is ***not*** upheld. This is because I agree with the conclusion from the letter of 15th March 2018 which stated that “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”

My reasons in supporting this are set out below in italics under the original response provided to you:

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.

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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 have examined both factors for and against the disclosure as set out above and have examined recent similar cases examined by the Information Commissioner's Office resulting in decision notices being issued, including

London Borough of Tower Hamlets

<https://ico.org.uk/media/action-veve-taken/decision-notices/2018/2173119/fs50671834.pdf>

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Royal Borough of Kensington and Chelsea

[https://ico.org.uk/media/action-weve-taken/decision-
notices/2016/2013598/fs50611353.pdf](https://ico.org.uk/media/action-weve-taken/decision-
notices/2016/2013598/fs50611353.pdf)

Wandsworth Council

[https://ico.org.uk/media/action-weve-taken/decision-
notices/2017/2013485/fs50619844.pdf](https://ico.org.uk/media/action-weve-taken/decision-
notices/2017/2013485/fs50619844.pdf)

and

Westminster City Council

[https://ico.org.uk/media/action-weve-taken/decision-
notices/2016/2013599/fs50611895.pdf](https://ico.org.uk/media/action-weve-taken/decision-
notices/2016/2013599/fs50611895.pdf)

and have arrived at the same conclusion that public interest does not outweigh the need to protect against the risks of criminal acts being committed if the Council released this information at this time.

Factors around disclosure are the transparency over how the council deals with credit balances. The ICO states that summary information helps satisfy this test. I can confirm I have examined the Council's procedures for such balances and feel they are fair and reasonable and have been correctly applied. During the 2017/18 financial year 898 refund payments with a value of £3,625,820.40 have been made against a debit value raised for this year of £111,079,324.88. I feel disclosure of this information is sufficient under the public interest test.

Regarding the risks of criminal acts being committed against the Council, I have examined these and agree with the risk that such disclosure would pose. I can confirm that this Council is very conscious of national publicity and warnings over regular attempts from third parties to seek payments to which they are not entitled through various acts including those around amending bank account details and had indeed experienced such attempts itself.

I am satisfied that this decision is consistent with the ICO decision notices over this subject

Reviewing this Decision

You can apply to the Information Commissioner for a decision about our compliance or otherwise with the Freedom of Information legislation. Contact the Commissioner for details on how to do this - telephone 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number, address:

Information Commissioner,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.
Internet: www.ico.org.uk

Yours sincerely,

Doncaster Metropolitan Borough Council

Floor 2, Civic Offices, Waterdale, Doncaster, DN1 3BU

Peter Jackson
Head of Internal Audit
Corporate Resources