

Name: Viran Patel

Address:

E-mail: xxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxx.xxx

If calling please ask for:
Kenny McKaig 01382
434577

Dear Sir/Madam

Freedom of Information Request Reference No. 20180729002

I refer to your request of 29/07/2018

Sections 25(1) and 25(2)(a) of the Freedom of Information Act provide that information is exempt and does not require to be disclosed if the information can be reasonably obtained other than by requesting it under Section 1(1) of the Act even if payment is required for access to it.

I therefore refuse your request.

The information which I can provide is as follows.

I would like to know a full list of Vacant Properties held by your organisation and any of its subsidiaries.

If possible their market value for sale or to let, whether they would be considered for a community asset transfer, if not then whether they are for sale or to let. In a clear and easy to read format. It would be supportive if the property is for sale or to let that it is listed on here too: <https://e-pims.cabinetoffice.gov.uk/government-property-finder/Home.aspx> and that you inform us of this intention or such listing in the request.

In the previous case in *Voyias v IC and LB Camden* (EA/201v1/0007), the requesters asked for substantially similar information, and the judge favoured disclosure. I appreciate the circumstances here are quite different, but the same principles should apply.

I understand there is a risk that your empty properties would be targeted by squatters should this the list of empty properties be public, but this is a very slim risk. The prejudice to law enforcement should be real, likely and substantial, as per *Hogan v the ICO and Oxford City Council*. I can assure you that my request is not sent in order to cause trouble for the authority, it is predominantly for my own research, with publication as part of campaigning materials. I am concerned at the sale of public assets, not a not an advocate for their illegal occupation. I would also say that I cannot imagine the disclosure of this list of properties to significantly affect a squatting problem that pre-existed my interest in the organisation. Overall the prejudice to law enforcement is very slim, and not severe. Since 12 months will be the time that this information will be released onto this site, unless others request this information separately. The requester is not liable for any issues that may arise in between or after.

It is in the public interest and transparency that this information is made publicly available under the public sector duty under the equality act allowing people to know of this information and make use of it under the Community Asset Transfer scheme and under the Human Rights Act Article 11 enabling the community to gather and make decisions on the allocation of such assets.

As a requirement of the Community Empowerment Act, all public property is potentially available for community asset transfer. Our list of properties is available on our web site, on the following link - <https://www.dundee.gov.uk/service-area/neighbourhood-services/housing-and-communities/community-empowerment/community-asset-transfer> Should you wish to view properties currently being marketed by Dundee City Council, please click on this link: <https://archive.dundee.gov.uk/property/search.php>

You will require to obtain your own valuation advice as this is not a service that the Council can provide for external parties.

Your Right to Appeal

If you are unhappy with this reply you may require the Council to review its actions and decisions in relation to your request.

The requirement for review must:-

- be in writing or other permanent form (please address it to me);
- state your name and give an address for correspondence;
- specify the original request for information and the matter which gives rise to your dissatisfaction; and
- be made within 40 working days of the date of this response, although the Council may, if it considers it appropriate to do so, consider requirements for review after that time has passed.

Your requirement for review will be dealt with by the Chief Executive. He will reply to you in writing promptly and in any event within 20 working days. He may:-

- confirm my decision with or without modification;
- substitute a different decision for my decision;

and will give you his reasons for so doing.

If you are unhappy with the Chief Executive's decision you may then appeal to the Scottish Information Commissioner. You must submit your appeal to the Scottish Information Commissioner within six months of receiving the Chief Executive's decision. Further details on the Scottish Information Commissioner's appeal procedure can be found using the direct link www.itspublicknowledge.info/Appeal or email xxxxxxxx@xxxxxxxxxxxxxxxxxxxx.xxxx or telephone (01334) 464610 or write to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Yours faithfully

Kenneth McKaig

Legal Manager