

By email only to: www.whatdotheyknow.com

18 March 2019

Dear P Gradwell,

Request for environmental information

Thank you for your request for information which we received on 21 February. As we indicated in our response dated 11 February 2019, we have considered your request under the Environmental Information Regulations 2004.

We have responded to your questions as asked. For clarity, we have included your initial questions and recent comments in blue.

- 1. Please provide information (including documents in which said information is recorded) outlining the legal and or any other relationship between Northumbria Water Limited (“NWL”) and ‘Property Solutions’ (“PS”). For the avoidance of doubt, any reference to ‘documents’ in this request and the further requests for information below is a reference to documents such as emails, minutes of meetings or discussions other internal exchanges and other similar items.**

I respectfully disagree and refer you to Article 2(1)(c) of the Environmental Information Regulations 2004 (“EIR”). Please let me have your reply to this question.

We assume you are referring to Regulation 2(1)(c) of the Environmental Information Regulations 2004 (“the EIRs”), which states that the definition of environmental information includes “measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities

affecting or likely to affect the elements and factors referred to in (a) and (b) [of Regulation 2] as well as measures or activities designed to protect those elements". As previously advised, we do not consider that information relating to the internal company structure of Northumbrian Water fulfils this definition and therefore we are under no obligation to search for or disclose this information.

As previously advised, if you are unhappy with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of our response, so by 8 April, and should be addressed to the Information Access Team at the above address, or to eir@nwl.co.uk.

If you are dissatisfied with the outcome of the internal review, you can apply, without charge, to the Information Commissioner, who will consider whether we have complied with our obligations under the Regulations, and can require Northumbrian Water to remedy any problems. You can find out more about how to do this, and the Regulations in general, on the Information Commissioner's website at www.ico.org.uk. Complaints to the Information Commissioner can be made via the "report a concern" section of the Information Commissioner's website.

If you would prefer to write to the Information Commissioner, she can be contacted at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

- 2. Please provide copies of any licence agreements or any documents relating to the commercial or other relationship or arrangements that may be in place between NWL and PS and which relate to personal searches and or the provision of CON29DW and other information commonly required by the purchaser of a residential or commercial property.**

I respectfully disagree and refer you to Article 2(1)(c) EIR. Please let me have your reply to this question.

Please see our response to Question 1 above, which we consider also applies here.

- 3. If any licence agreement or other documents provided in response to request 2 above do not provide information on the charges levied or profits shared (if any) as between PS and NWL, please provide information (including**

documents in which said information is recorded) setting out the details of said charges levied or payments made and or profits shared for the last 3 years and confirm whether any charges levied are subject to VAT.

I respectfully disagree and refer you to section 2(1)(c) EIR. Please let me have your reply to this question.

Please see our response to Question 1 above, which we consider also applies here.

- 4. Please confirm whether the environmental information that is called to the screen at the point when a Personal Search Company conducts a personal search via the kiosk computer is different to the environmental information that is made available by NWL to its customers and or to PS on your internal computer systems (which systems are not accessible by third parties conducting personal searches).**

Thank you for clarifying what internal systems you possess in your reply. In the question the reference was of course to all of your internal systems (plural). I would be grateful if you would please now reply to the question. N.b. “to its customers” means to any party purchasing a CON29DW directly from NWL, as opposed to conducting a personal search.

For clarity, you have asked how the information that is called to the screen via the kiosk computer is different to the information that is made available via a CON29DW search. We believe you are familiar with the information available via the kiosk computer. A sample of a CON29DW report may be found on Property Solutions’ website at:

<https://www.nwpropertyolutions.co.uk/con29dw.aspx>

We have therefore not considered information available via a CON29DW report further in our response.

Please note that we do not consider the information requested to fall within the definition of “environmental information” set out in the Regulations, but have provided the following information in the interests of transparency.

For example, please would you provide information (including documents in which said information is recorded) which shows:

- i. Whether or not the information provided via the kiosk computer for a search is derived from older information or data compared with the information available on your internal systems, and;**

We can confirm that the information available via the kiosk computer for a search is derived from information currently available.

- ii. Whether any information available on the kiosk computer is subject to any process of deletion, redaction or amendment by comparison to the information that would be called up on your internal computer systems for the same search and if so what, and;**

We can confirm that the information available on the kiosk computer is less detailed than that which would be available on our internal computer systems. Our internal computer systems hold all the information we require to operate as a business; this could include operational and billing information, for example. This additional information may be withheld from disclosure under the Regulations under the exceptions in regulation 12(5)(a) (national security and public safety) or regulation 13 (personal data), for example.

- iii. Whether the information called up at the point of search for the same search conducted on a kiosk and an internal computer is from the same source or data set, or;**

We can confirm that the information called up at the point of search for the same search conducted on a kiosk and an internal computer using the same system as the kiosk is from the same source. The same search may access information from another source if carried out on a different internal system.

- iv. Whether any mapping that is provided for the Kiosk computer is different (e.g. a different scale, zoomed in, different key information displayed etc) to that on the internal computer system, or;**

We can confirm that mapping that is provided for the kiosk computer is more restricted in terms of layout and detail than that available on the internal computer system.

v. Whether a different software is used on the kiosk computer compared to the internal computer system.

We can confirm that the software used on the kiosk computer is also used on the internal computer system.

- 5. When conducting a personal search, third parties are required by notices in the kiosk to input certain information into the computer regarding the searches they are undertaking. Please provide information (including documents in which said information is recorded) that shows exactly how and for what NWL uses that information including details of whether or not NWL shares it with PS and any third party and in particular whether NWL or PS uses any of that information for their own direct or indirect marketing or any other commercial purposes.**

Noted.

- 6. We understand that third parties are required to book a half hour appointment at NWL's offices to access source information and data when conducting a personal search. Please let us have information (including documents in which said information is recorded) that shows what restrictions – if any – apply to PS when accessing information and data held and compiled by NWL.**

I note in your reply that you disclose that your system was developed in response to the “customer feedback and requirements”. Please would you let me have copies of documents relating to the “customer feedback and requirements” that you have disclosed, including copies of that “customer feedback” and copies of any documents relating to any policy that has been put in place, as you suggest in your reply. Please also clarify what restrictions are placed upon PS and what “the team’s function” means.

We do not consider that records concerning customer feedback and requirements fulfil the definition of “environmental information” set out in the Regulations and therefore we are under no obligation to disclose this information.

However, we can confirm that by referring to “the team’s function” we mean the purpose or role of the team.

- 7. Please confirm, (including relevant documents in which supporting information is recorded) whether there are any technical and/or other reasons why information that is held by NWL and/or PS in its underlying registers or databases for the purpose of completing CON29DWs for both residential and commercial property cannot be provided in any form other than as a completed CON29DW? For example can the relevant information on the register or database be printed directly or cut and pasted into an email or Word/ Excel documents format or saved as an attachment, or similar?**

The content of a CON29DW is plainly environmental information and I refer you to Article 6 of the EIR. The question was straightforward and I would be grateful if you would please answer it. In summary: NWL retains raw data. NWL only provides that raw data to a consumer in the form of a CON29DW. Is there any reason why that raw data cannot be provided in any format other than a CON29DW?

We set out in our reply of 11 February 2019 why we do not consider that all of the information contained in a CON29DW report fulfils the definition of “environmental information” in the EIRs. We assume you are referring to Regulation 6 of the EIRs, which requires a public authority to make environmental information available in the format requested by the applicant unless the information is already publicly available and easily accessible, or unless it is reasonable to make the information available in another form or format. It is not clear to us how this relates to your question and cannot therefore add to our previous response of 11 February 2019.

As previously advised, if you wish us to consider your question in relation to any specific item of data or CON29DW question please let us know. For example, some of the data necessary to complete a CON29DW is already publicly available and/or can be inspected for free at our offices, as you are already aware.

If you are unhappy with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of this response, so by 16 May 2019, and should be addressed to the Information Access Team at the above address, or to eir@nwl.co.uk.

If you are dissatisfied with the outcome of the internal review, you can apply, without charge, to the Information Commissioner, who will consider whether we have complied with our obligations under the Regulations, and can require Northumbrian Water to remedy any problems. You can find out more about how to do this, and the Regulations in general, on the Information Commissioner's website at www.ico.org.uk. Complaints to the Information Commissioner can be made via the "report a concern" section of the Information Commissioner's website.

If you would prefer to write to the Information Commissioner, she can be contacted at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

If you have any queries, please contact us using the details above.

Yours sincerely

Information Access Team