

Date: 12th December 2019

Sent via email

Dear P Gradwell

1. Background

I refer to your request for information request under the Environmental Information Regulations 2004 ("Regulations") received by us on 16th January 2019, as follows:

1. Please provide information (including documents in which said information is recorded) outlining the legal and or any other relationship between South West Water Limited ("SWWL") and 'Source For Searches' ("SFS"). 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.
 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 SWWL and SFS 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.
 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 SFS and SWWL, 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.
 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 SWWL to its customers and or to SFS on your internal computer systems (which systems are not accessible by third parties conducting personal searches).
- 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;
 - 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;
 - 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;
 - 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;
 - v. whether a different software is used on the kiosk computer compared to 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 SWWL uses that information including details of whether or not SWWL shares it with SFS and any third party and in particular whether SWWL or SFS uses any of that information for their own direct or indirect marketing or any other commercial purposes.
6. We understand that third parties are required to book a half hour appointment at SWWL'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 SFS when accessing information and data held and compiled by SWWL.
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 SWWL and/or SFS 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?

This letter provides the response to your request.

2. South West Water's (SWW) Response

Under the Regulations, SWW has a duty to individuals requesting information to make that information available on request. SWW must comply with this duty, unless one of the exceptions contained within the Regulations applies.

Our answers to your questions are as follows:

1. Source for Searches (SfS) is a department within South West Water Limited. However, we do not consider that this is Environmental Information as defined by the Regulations and accordingly, there is no obligation to provide it.
2. We do not consider that the information which you requested is Environmental Information as defined by the Regulations and accordingly, there is no obligation to provide it.
3. We do not consider that the information which you requested is Environmental Information as defined by the Regulations and accordingly, there is no obligation to provide it.
4. We do not consider that this is Environmental Information as defined by the Regulations however we would make the following comments:

There is no discrimination against PSC's using the publicly available search facility at SWW premises. Search agents, SWW customers or any other member of the public are treated equally and there is no difference in the data available to each party at the computer terminal.

5. We do not consider that the information which you have requested is Environmental Information as defined by the Regulations, however, we would make the following comments:

No personal data is required to carry out a search maps at the computer terminal. The only information required to carry out searches are the postcode or area that a party wishes to search.

6. We do not consider that the information which you have requested is Environmental Information as defined by the Regulations, however, we would make the following comments:

SWW does not employ a reservation/booking system. There are no restrictions to the use of the search computer other than the published hours of access.

7. We do not consider that the information which you have requested is Environmental Information as defined by the Regulations, however, we would make the following comments:

Data used to compile responses to Con29DW's is held across three quite separate and distinct SWW databases. Access to these databases is restricted internally amongst SWW employees. Where access is given to an employee, it is restricted to particular sections of the database.

3. Further Queries

Should you have any questions, please contact us at finreg@southwestwater.co.uk. If you are dissatisfied 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 receipt of this response and should be addressed to Iain Vosper (SWW Regulatory Director) who can be contacted by e-mail on EIInternalreviews@southwestwater.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 SWW has complied with its obligations under the Regulations, and can require SWW to remedy any problems. You can find out more about how to do this, and about 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.

With best regards,

South West Water

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