

Date: 5th April 2019

Sent by email

Dear P Gradwell

Internal Review Outcome Letter

I write to set out South West Water Limited's (SWW) response to your request made on 21st February 2019 through the 'What Do They Know' website. We have treated your contact as a request for an internal review of SWW's decision regarding your request for information under the Environmental Information Regulations 2004 (the Regulations). Your original request was 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?

SWW considered that the requested information did not fall within the definition of '*environmental information*' pursuant to the Regulations and our response was 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.

Internal Review

Your request reads as follows.

1. 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.
2. I respectfully disagree and refer you to Article 2(1)(c) EIR. Please let me have your reply to this question.
3. I respectfully disagree and refer you to Article 2(1)(c) EIR. Please let me have your reply to this question.
4. It appears that you have misunderstood the question. Please can you answer the question which clearly was (in short summary): is there any difference between the data that is made available through the kiosk terminal to those conducting a personal search and the data that is available to SWWL or to SfS employees via your internal systems when your employees are compiling a CON29DW.
5. Noted.
6. Noted.
7. It appears that you have misunderstood the question. The contents of a CON29DW is plainly environmental information and I refer you to Article 6 of the EWR. The question was straightforward and I would be grateful if you would please answer it. In summary: SWWL retains raw data. SWWL 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?

Internal Review Outcome

As part of the internal review I have reconsidered your request and SWW's response of 12th January 2019 and consider that the information requested is excepted from disclosure as it is not 'environmental information' as defined by Article 2(1)(c) of the Regulations and as such the original decision has been upheld.

Please see my comments on each element of your recent request below.

1. I do not consider that detail of the nature of the relationship between SWW and Source for Searches (SfS) is 'environmental information' as defined by Article 2(1)(c) of the Regulations
2. I do not consider that details of the nature of the relationship between SWW and SfS regarding searches or provision of CON29DW is 'environmental information' as defined by Article 2(1)(c) of the Regulations
3. I do not consider that details of any financial arrangements between SWW and SfS regarding searches or provision of CON29DW is 'environmental information' as defined by Article 2(1)(c) of the Regulations
4. I do not consider that a comparison of data used in two different business processes is 'environmental information' as defined by Article 2(1)(c) of the Regulations. This applies both to your clarification question and your original question

I would comment that the sewer and water mains maps available to the public at the computer terminal in SWW's reception do contain more up to date asset location data than that used by our employees. However, the version of the application used by employees does contain more data such as sewer flooding information

The specific data used to compile a CON29DW is collated from various data sources that SWW can access in order to provide particular information for a specific property/location

5. No response required
6. No response required
7. I do not consider that details of the available formats and nature of CON29DW data is 'environmental information' as defined by Article 2(1)(c) of the Regulations, consequently Article 6 of the Regulations does not come into effect. This applies both to your clarification question and your original question

If you are dissatisfied with the outcome of this 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 us to remedy any problems.

You can find out more about how to do this, and about the EIRs 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.

Yours sincerely,



Sally Mills
Regulatory Director