

Freedom of Information Act 2000
Formal Response – Refusal Notice

To: Mr S Corrigan -341073-a4ba7bca@whatdotheyknow.com

Date: 15 July 2016

1. You requested data on vacant properties in the area as 'we buy houses quickly so we want to offer the vendors a solution to this and offer our service'.
2. Your request is refused because the information you seek is exempt information under Part II of the Freedom of Information Act 2000 ('the Act') and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. **The Exemption which applies**
 - 3.1 The exemption which applies is that which is contained in Section 31 of the Act and relates to law enforcement. Under Section 31 information which is not exempt by virtue of Section 30 is exempt information if its disclosure under this Act would, or be likely to, prejudice the prevention or detection of crime, amongst other matters. It is considered that the disclosure of the information which you request would prejudice the prevention of crime.
 - 3.2 The public interest in disclosing this information has been considered and whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
 - 3.3 It is considered that there is a very strong public interest in preventing crime and the effects and impact of such crime upon individuals and property. In part, Section 31 aims to provide an exemption from disclosure where the information provided may facilitate criminal activities. It is considered that the disclosure of the location of vacant properties may facilitate criminal activity.
 - 3.4 The justification for the request for the information is to provide assistance to vendors in selling properties. This justification pre-supposes that the owners of the vacant properties would wish to sell them. On the face of the request the provision of the information may provide some assistance to those individual owners of premises who wish to sell them. It is noted that it is only data upon vacant properties which is requested. No information is provided in the request on the identity of the person or body who is making the request and only a generic email address has been provided. In any event, any information which is provided has to be assessed on the basis that it would be available to all members of the public. It is noted that properties which are available for sale are frequently marketed and advertised on this basis so that

the information on vacant properties may be available by other means which is reasonably accessible to the applicant. The fact that a property is vacant necessarily means that it is not occupied and as a consequence is or may be more susceptible to criminal activity or criminal damage.

- 3.5 It is considered, having regard to the public interest test that the public interest in not revealing vacant properties outweighs any public interest in disclosing that information.

4. The Refusal

- 4.1 Accordingly, your request for information relating to the provision of data on vacant properties in the area is refused.

5. Appeal under the Complaints Procedure

- 5.1 If you are dissatisfied with this decision to refuse your request you may apply for the matter to be referred to a panel drawn from the Council's Human Resources and Appeals Committee. The panel is that which would hear a complaint in accordance with the Council's Comments, Compliments and Complaints Procedure, a copy of which I enclose.
- 5.2 Stage 2 of the procedure would apply. If you wish to apply for a review would you do so in writing to me within ten working days of your receipt of this notice.

6. Referral to the Information Commissioner

- 6.1 Any person may apply to the Information Commissioner for a decision upon whether a specific request has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000. The Information Commissioner will make a decision on any such application unless it appears to him:
- a) that the complainant (yourself) has not exhausted any complaints procedure which is provided by the public authority concerned and accords with any Code of Practice issued by the Secretary of State;
 - b) there has been undue delay in making the application;
 - c) the application is frivolous or vexatious; or
 - d) that the application has been withdrawn or abandoned.
- 6.2 The Information Commissioner may decide whether or not the Act has been complied with. The Information Commissioner will provide a notice of his decision. If the Information Commissioner decides that the Council has failed to comply with the Freedom of Information Act he will specify steps which

must be taken by the authority to comply with the statutory requirement and the period within which such action must be taken.

A handwritten signature in black ink, appearing to read 'M. Neal', written in a cursive style.

Signature:

Date: 15 July 2016

Matthew Neal
Director of Governance
Eden District Council
Town Hall, Penrith, Cumbria, CA11 7QF