

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town Lodge, Gernon Road, Letchworth Garden City, Hertfordshire SG6 3HN  
Telephone (01462) 474000  
Text Phone: (01462) 474800  
DX 31317, Letchworth



Matt Kane

[request-420708-  
06f3a390@whatdotheyknow.com](mailto:06f3a390@whatdotheyknow.com)

Our Ref:

Your Ref:

Contact Officer:

Direct Line:

Email

Date:

FOI0479-37017

Jacqui Hamilton

01462 474375

[FOI2@north-herts.gov.uk](mailto:FOI2@north-herts.gov.uk)

9 October 2017

Dear Mr Kane

**Freedom of Information Act/ Environmental Information Regulations**  
**Request for a Review - FOI047917-37017 – Waste & Recycling**

In regard to your request for a review of the Refusal Notice we sent to you for the above request for information. Your request has been considered by the Information & Asset Team Leader.

The basis of a review is to consider whether the request has been handled in accordance with the legislative requirements. The decision is that the review is partially successful, subject to the confirmation below. Please see the attached for a full response.

In the first instance, an information request has to be for information the Council holds. The Council is not obliged to create information under the Freedom of Information Act or Environmental Information Regulations. Therefore if you ask for information that is not available in documented format, then the Council is not obliged to provide it under this legislation.

Under our Review policy your case was referred to another council officer for review, and the decision of the reviewing officer is set out below.

**Your options**

Since your Review has now been concluded, and if you are not satisfied with the review conclusions, you have the option of appealing to the Information Commissioner at the address below.

It is important that you include the above FOI reference number on all correspondence related to this request.

Alternatively contact the Information Commissioner at:  
Information Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 0303 123 1113 (or 01625 545745 if you would prefer not to call an '03' number, or +44 1625 545745 if calling from overseas)  
[www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely

Jacqui Hamilton  
**Information & Asset Team Leader**

Encs:

## RESPONSE

### Review Request

*The request was refused on the grounds that the data is owned by Ordnance Survey or Royal Mail, though no exemption was cited. The authority owns the waste collection data, which is produced as part of its public task. As such no third party IP right apply to the collection data itself. Ordnance Survey have stated that they permit the release of UPRN data associated with other datasets, so there is nothing to prevent the release of this data. Please contact the PSMA helpdesk if you need clarification, as they are aware of this request. Please note that you cannot engage section 21, as the collection data is not available elsewhere, nor section 43 as no agreement prevents the release of UPRN data. Furthermore, the Re-Use of Public Sector Information Regulations state that an authority must release datasets produced as part of its public task, and make them available under the most open licence possible, with the Open Government Licence as the default.* Review

### Response

Following review of your request and having received confirmation that we are permitted to release the UPRN data I now enclose three spreadsheets providing the UPRN and the waste collection schedules. Re-use of the UPRN data is subject to the terms to be agreed between yourself and the Ordnance Survey, with whom you are in discussions. North Hertfordshire District Council is not permitted, under its licence agreement, to allow the re-use of this data with third parties. However, once you have an agreement with the Ordnance Survey to re-use UPRN data North Hertfordshire District Council consent to its Waste Collection information to be re-used in line with the terms of the Open Government Licence details of which can be found <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

With regard to the address detail, following advice from the Ordnance Survey information regarding the address detail for each property has not been included due to our contractual obligations with Ordnance Survey. The full address associated with the properties are reasonably accessible to you by other means as this information can be purchased from Ordnance Survey or one of its licensed partners:

<https://www.ordnancesurvey.co.uk/>

I am therefore refusing your request under Section 21 of the Freedom of Information Act, as the information is readily available by other means from the Ordnance Survey and also under Section 43(2) of the Freedom of Information Act as providing the address detail would prejudice that organisation's commercial interests and place ourselves in breach of our licensing Agreement with the above organisation.

Having considered the public interest in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. North Hertfordshire District Council's decision is therefore to withhold the information.