

**Information Governance Team -
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13th September 2017

Mr Kane

Dear Mr Kane

Internal Review Request 1115/17 re Case Ref 957/17

Thank you for your request for an internal review dated 4th July. I apologise for the delay in my response. We can now respond as follows.

Request History

On 4th July we responded to your request received on 6th June as follows:

“Requested Information

Dear Bath and North East Somerset Council, Please can you provide the data for refuse, recycling and garden waste collection days, organised by address.

Please include address and UPRN for each property, as well as any data required to convert schedule codes to calendar dates, including week codes for fortnightly collection and changes for bank holidays etc.

Please provide this in an open, machine readable format, such as CSV. Please avoid closed formats such as database binary formats.

Please include the data for the current system, as well as the new post-November 2017 schedule.

Response

The information is available on a property by property basis using the services in “your area” function on the website. This can be found on the home page.

Please note that the post November 2017 days are not available yet.

The current garden waste collection calendar can be found by clicking the links on the following web page:

<http://www.bathnes.gov.uk/services/bins-rubbish-and-recycling/recycling-and-rubbish-collections/garden-waste-and-compost>

Internal Review

On 4th July we received your request for an internal in which you stated:

“In my request, I asked for the data in the form of a CSV or similar data file. A reference to the council website for information on collections does not meet my requirements. As you will be aware, Section 11 FOIA allows me to request a format for the data, which you must make reasonable effort to accommodate. ICO guidance states that this means I can request a specific

file format, based on Innes v the Information Commissioner and Buckinghamshire County Council. The existence of a web service that provides the information confirms that the data is available in a database which powers the website. It is therefore trivial for you to export that data into CSV format as requested. Please therefore provide the information listed in the original request, including at the very least details of the collection days for each type of waste for each address”.

Determination and Action Required

I have now reviewed your request together with the response provided and your request for an internal review.

Please note that address details can be obtained by other means. As a result section 21 of the Act (information accessible by other means) and additionally, Section 43 (Commercial Interests) of the Freedom of Information Act (FOIA) 2000, applies.

In any event the information you have requested may be accessed on the Ordnance Survey Website:

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

This specific information has been provided to the Council under licence for a fee from Ordnance Survey. As a result we are unable to provide this information as it is instead available from Ordnance Survey for a fee. We consider that it would be detrimental to Ordnance Survey's commercial interests to disclose this information in response to this particular request. Although the Council aim to be transparent and accountable to the public, we must ensure that we do not prejudice the commercial interests of the parties involved. We consider that disclosure of this particular information would prejudice the parties as this information has been obtained by the Council as part of a licensing arrangement with Ordnance Survey. Disclosure in these circumstances is likely to be against the terms of our licence with Ordnance Survey. As a result, we are unable to disclose this particular information at this time.

If however you require UPRN details only, please let us know and this can be forwarded to you in CSV format.

If you are not content with the outcome of the internal review, you have the right to appeal directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or by visiting their website: www.ico.org.uk

Kind regards,

Jeff Wring

Divisional Director - Risk & Assurance