



Reference: FOI4109

**Request:**

Please provide me with your local authority's complete and most-recently updated list of residential properties owned by companies or commercial concerns that have been vacant for the past 24 months or more, including the following fields:

- Council Tax Band
- Name of owner/ Company owner (please note, no personal data required)
- Full Property Address (Number, Street, Postal Code, Town)
- Date of Vacancy
- Actual annual rates charged (in Pounds) and/or categories of reliefs/exemptions granted

If you are unable to provide an absolute 'Vacancy' status, please provide the Exemptions and / or Reliefs that a particular property may be receiving.

**Response:**

The information is exempt from disclosure under sections 40(3)(a) and 31(1)(a) of the Freedom of Information Act 2000.

The Information Tribunal (case ref EA/2006/0060 & 0066) found that the address of a property and the address or other details of the owner, where the owner was a private individual, were personal data as defined by the Data Protection Act 1998, and therefore fell within the exemption in Section 40 (3) (a) (i) (Personal Information) of the Freedom of Information Act 2000.

The exemption under Section 40 (3) (a) (i) is engaged if the processing of personal data in response to a request would breach one or more of the data protection principles. In this case the Tribunal considered that the individuals concerned had supplied information about their empty properties to the council purely for the council's use, for Council Tax purposes, and with no expectation that the information would be published to the wider public domain. The Tribunal also considered that to obtain information for one statutory process and then re-use it for another purpose without informing the owner of the data would be a breach of Data Protection law. This is an absolute exemption.

Additionally a First-tier tribunal (case ref EA/2011/0007) found that providing the addresses of empty properties could lead to vandalism, squatting and criminal actions in respect of these properties.

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The exemption under Section 31 (1)(a) relates to Law enforcement and is engaged when disclosure of the information under this Act would, or would be likely to, prejudice the prevention or detection of crime. As Section 31(1) is a qualified exemption, we are also required to decide, on a case by case basis, whether the public interest in maintaining this exemption outweighs the public interest in its disclosure. The Information Commissioner has suggested that the factors that would weigh in favour of disclosure would include:

- Furthering the understanding and participation in the public debate of issues of the day.
- Promoting accountability and transparency by public authorities for decisions taken by them.
- Promoting accountability and transparency in the spending of public money.
- Allowing individuals, companies and other bodies to understand decisions made by public authorities affecting their lives.
- Bringing to light information affecting public health and safety.

Given the nature of the exemption in this case, it is our opinion that none of these factors weigh in favour of the public interest in disclosing the information over maintaining the exemption for the prevention of crime. For these reasons we are not able to supply the information requested.

The full decision notices for the tribunal cases given above can be found using the following links:

[Case ref EA/2006/0060 & 0066](#)

[Case ref EA/2011/0007](#)