

Ref: [Redacted]

Your ref: [Redacted]

[Redacted]
HM Land Registry
32 Lincoln's Inn Fields
London WC2A 3PH

20 February 2004

Dear [Redacted]

Re Supply of house price data

I refer to the letter from Mike Westcott Rudd dated 15 October 2003 and apologise for the delay in responding which was in part due to the need to consider the implications of the Court of Appeal decision in the case of Michael Durant v Financial Services Authority.

This has involved much debate within the office and has implications for the definition of personal data which has affected the initial view taken of your query regarding the supply of house price information.

As you know the Data Protection Act 1998 only applies to personal data and a clear understanding of what is meant by this term is essential for compliance with its provisions.

The Court of Appeal concluded that "personal data' is information that affects [a person's] privacy, whether in his personal or family life, business or professional capacity". Clearly the price of an individual's house may affect his privacy and the opinion of this office is that you should take into account whether or not the information in question is capable of having an adverse impact on the individual.

The Court identified two notions which may assist in determining whether information is "information that affects [an individual's privacy]". The first is whether the information is biographical in a significant sense, that is going beyond the recording of the individual's involvement in a matter or event which has no personal connotations. The second is that of focus. The information should have the individual as its focus rather than some transaction or event in which he may have figured or have had an interest.

Whilst clearly the individual would be involved with the transaction i.e. the house purchase and the relevant price paid, I understand from your correspondence about the method of releasing information that the prices paid are included in an anonymised form without reference to the names of the individuals, but instead with details of the date of sale, tenure, new or old, postcode, unique property reference number (UPRN) from April 2000 to date.

The Court of Appeal in Durant did not consider the issue of identifiability of an individual in the definition of "personal data as set out in s1(1) of the DPA. Instead the Court concentrated on the meaning of "relate to" in that definition, identifiability not being an issue in that case.

It is likely that an individual's name will be personal data where the name appears together with other information about the named individual such as address, telephone number etc. Provided that the information in question can be linked to an identifiable individual, it is possible that details of the price paid for the property can be personal data. However, as the link in the dataset you are providing does not include the names of the individual purchasers, it does not appear to have necessary focus on the individual to make personal data.

If you have any queries please do not hesitate to contact me.

Yours sincerely

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