

Ref: [Redacted]

Your ref: [Redacted]

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

2 April 2004

Dear [Redacted]

Re Supply of house price data

Thank you for your e-mail dated 23 March 2004. Since my last letter and in response to your e-mail I have canvassed opinion within the office regarding this situation. I am aware of the pressure you are under in relation to deciding on the sale of the bulk data to commercial organisations but as you will understand, given the recent nature of the decision in Durant, this issue is still cause for debate. I therefore set out below a preliminary view and confirm that I will be writing to you formally with the considered opinion in due course.

I understand from the particular questions that you raise there that you are considering the potential sale of two types of dataset. The first includes date of sale, type of property, postcode, UPRN, whether freehold or leasehold, new or old. The other set includes the above information together with the full address of the property. In neither case will the name of the individual be disclosed. From the papers it appears that you limit the sale of such data to areas where more than three properties within a postcode have been sold within the relevant period; any less than that and the information is not provided.

I note from the Brief to Counsel dated 18 September 2003 that the Land Registry is not the producer of the National Land and Property Gazetteer Unique Property Reference Number (UPRN), but that it does use it with reference to individual properties. I had understood that the other organisations, particularly those to whom you are considering selling the data would not have access to that system, by which the properties can be identified. If the UPRN is not widely used outside the land information systems to which reference is made at p9 of the Brief, i.e. the Ordnance Survey, Land Registries, it would appear that any cross referencing to other datasets would be limited.

However from reading the papers again I am not clear that this is the case and should be grateful for your confirmation. Clearly the more closely the information can be related to an individual, the more likely it is to be personal information. This would also apply where the data includes the full address as well as the UPRN.

I set out in my previous letter guidance on the definition of personal data following the judgment in Durant. As I explained the Court of Appeal considers that personal data is information which affects someone's privacy and suggests considering whether the information is biographical and whether the individual is the focus of the information, when deciding whether an individual's privacy would be affected.

It would not appear that in either of the datasets is the individual the focus of the information, rather it is the property to which the information relates. However the information could be biographical in that it relates to events in which the individual was involved and which has personal connotations.

Having said that, whilst the information may not be personal data, its disclosure may have issues in relation to the individual's human rights, in particular an interference by the Land Registry as a public authority with the Article 8 ECHR right to respect for private and family life. I would suggest that you consider whether such issues are raised and, if so, whether such interference is necessary.

I understand that you are on leave until after Easter and I am away until 26 April, after which time I shall write to you with the formal view of this office. In the meantime I should be grateful if you would let me have the clarification sought above.

Yours sincerely

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