

From: [Redacted] [Redacted]

Sent: 15March 2012 15:27

To: [Redacted]

Subject: RE: Property price paid information; proposed release under Open Government Licence

Dear [Redacted]

Thank you for your email of 2 March regarding Land Registry proposals to publish price paid data under the Open Government Licence (OGL) and your conclusions from the PIA you carried out. We look forward to receiving a copy of the PIA and understanding how this has assessed and addressed any likely effect on privacy by the publication of this data in a reusable form.

Whilst we are supportive of Governments commitment to greater transparency, I reiterate our view that the data you plan to publish is in many cases likely to be personal data given the public availability of other data which would enable people to easily relate property price data to individuals who own or who are resident in the property. As the OGL does not cover the use of personal data, in our view, this is therefore not a suitable vehicle for the publication of property price information. As the licence has been developed by The National Archives you may wish to consult with them on whether they share your view on there being no personal data involved and whether the use of such a licence is appropriate. You may also wish to explore an alternative approach involving the use of a bespoke licence that could impose restrictions on using the information in a way that has adverse privacy consequences for individuals.

While Section 34 of the DPA enables the publication of personal data if required under another enactment, the Section 66 LRA rights to inspect and make copies of data do not set the expectation of full disclosure in open formats and under open licensing. Any publication of personal data must still be done in a fair and proportionate manner. Therefore it is important that the individuals concerned are given a clear indication of what their personal data is likely to be used for.

The decision on how to publish this data is clearly yours and we note that you do not agree with our view that the price paid data is personal data. Under these circumstances, the steps you propose - to publish Frequently Asked Questions; capture all comments and concerns you receive; formally review the free data publications after 6 months; and introduce a specific complaints procedure, are welcome but we would still need to consider any complaints we receive from persons affected on their own merits.

Regards

[Redacted]

[Redacted] [Redacted]

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. [Redacted] F. 01625 524510 www.ico.gov.uk

From: [Redacted] [Redacted]

Sent: 02 March 2012 10:25

To: [Redacted]

Cc: [Redacted]

Subject: RE: Property price paid information; proposed release under Open Government Licence

Dear [Redacted],

I refer to your email to [Redacted] of 1 December, which followed discussions between the two of you.

As you know from those discussions, from March 2012 we will release each month the latest monthly residential property price data for all of the residential property sales in England and Wales that are lodged with us for registration as part of our commitment to support the Government's clear commitment to greater transparency of public information. This will be available free of charge. You will know that the presumption of publication is to enable opening up public sector data to provide opportunities for innovative developers, businesses and the public to generate social and economic growth through the use of data.

We have now conducted a small scale privacy impact assessment to evaluate whether there are any privacy issues. Our records show that we did get a view from your office in or around 2003/2004 when it was indicated that you did not regard the data as biographical in nature. The bulk data has already been made available commercially for many years without formal challenge.

In any event, as I say, we carried out a small scale privacy impact assessment after undertaking a screening process.

I will be preparing a Report on the PIA but thought it would be helpful for you to know our conclusions.

The price paid data is already publicly available from a public register, and, as you know, section 34 of the Data Protection Act 1998 provides that when data consist of information which the data controller is obliged by, or under, any enactment (as here) to make available to the public, personal data are exempt from the non-disclosure provisions. So it would follow, even if (a view we do not share) the price paid data were considered to be personal data, its public availability means that an individual would find it difficult to succeed in claim that publication amounted to a breach of the non disclosure provisions.

As background information, the Register of title for England and Wales has been publicly available since December 1990. The decision to publish was taken only after formal public consultation. Its availability is now governed generally by section 66 of the Land Registration Act 2002. Price paid information has been entered on the register since April 2000 and

recorded on the register. It is widely available elsewhere in Europe, and, closer to home, has been publicly available information in Scotland for several centuries. In England and Wales, the residential price paid information is already freely available and accessed from nationally advertised websites and widely available from other sources because we have been selling the bulk information commercially, now, for several years without formal challenge.

We acknowledge, however, that some members of the public may still have concerns, and as a result, we will publish Frequently Asked Questions which are aimed at helping them understand and appreciate the position. We will also capture in a central archive all comments and concerns in order to help us both review, and where appropriate realign the service. We will undertake a formal review of the free data publications after 6 months including our use of the Open Government Licence. This should enable us to take account of any issues and concerns, as we have little direct experience of the ways the public already use that information for non commercial purposes, and, of course, expect the data to be reused in innovative ways. It should also provide an opportunity to consider other uses to which the data could be put for the potential public good, for example, local authority use to obtain details of sales of properties for council tax purposes and the long term public benefit. In addition we are introducing a specific accelerated complaints procedure and escalation process through to our Independent Complaints Reviewer, where appropriate..

Use of the data for direct marketing is a concern as currently our commercial use licences prevent this. Under the Open Government Licence this restriction does not apply. As a result we intend to sign post the public to your web pages and what they need to know if they want to opt out of receiving direct marketing material. In addition, for commercial customers who continue to acquire our historical data, we will continue to impose a limitation on the end user of the data who will need to obtain our consent if they intend to use the data for purposes other than internal/ research purposes.

As part of the impact assessment we have also agreed to add a source statement, so that the public are aware of the source of the information. A privacy statement specific to price paid information will also appear on the relevant web pages and we will be publishing the PIA.

These, then, are the proposals and a description of the mitigating measures we will put in place.

Please let me know if you would like any further information or have any specific concerns.

Regards,

[Redacted]

Lawyer

Corporate Legal Services

Land Registry, Head Office

Trafalgar House

1 Bedford Park

Croydon

CR0

[Redacted]

From: [Redacted] [Redacted]

Sent: 01 December 2011 12:55

To: [Redacted]

Subject: FW: Property price paid information; proposed release under Open Government Licence

Hello [Redacted]

Further to our telephone conversation last Friday, you might find this PIA report into the publication of the data protection register of interest. Please let me know if I can be of further assistance.

[http://www.ico.gov.uk/about_us/consultations/~media/documents/library/Corporate/Research and reports/pia report publication of the dp register.ashx](http://www.ico.gov.uk/about_us/consultations/~media/documents/library/Corporate/Research%20and%20reports/pia_report_publication_of_the_dp_register.ashx)

Kind regards

[Redacted]

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