

From: [Redacted]
Sent: 21 March 2012 15:58
To: [Redacted]
Cc: [Redacted]
Subject: RE: Land Registry PPI data and the OGL [UNCLASSIFIED]
Attachments: ICO responses

[Redacted]

In preparation for to-morrow's conversation, I attach copies of two letters from the ICO received at the time of our initial dialogue when we first contemplated the data sales. I have highlighted in yellow extracts from the letter where they gave the opinion that the data was not personal.

From: [Redacted]
Sent: 21 March 2012 10:13
To: [Redacted]
Cc: [Redacted]
Subject: RE: Land Registry PPI data and the OGL [UNCLASSIFIED]

[Redacted],

Thank you for your email and I note your comments, including your intention to proceed with your plans and also the point about the timescale that you are working to.

What is your availability for a phone call tomorrow between yourself and [Redacted]?

[Redacted]

From: [Redacted]
Sent: 20 March 2012 17:36
To: [Redacted]
Cc: [Redacted]
Subject: RE: Land Registry PPI data and the OGL [UNCLASSIFIED]

[Redacted]

Thanks for this. I am replying as [Redacted] is absent to-day. I do view this potential development with some concern. The issue whether something is or is not personal data will surely turn on the facts of any specific case? There are many issues; these include (only by way of example) a decision on whether this data biographical, and if so to whom – buyer or seller? The data tells us about the property or property type. We can guess this from the road/situation. House selling prices are openly advertised and often publicly auctioned. The data is openly available from a public register which is electronically accessible.

Whilst I quite understand and accept the need for the ICO to reserve its position in considering any complaint that may arise, I cannot accept that the argument is abrogated in advance by a mere statement that 'the data is personal'. Ultimately, the issue may need to be decided judicially – and it may take this for resolution. But, unless and until that time, in absolutely every case where any complaint is brought, the starting position will still be, 'the information is publicly available'. I cannot see that payment of a token fee to Land Registry as opposed to free publication, makes any difference to this fundamental point. There may or may not be a wider privacy/human rights issue, and even if there were (in any case) this does not mean that there is necessarily a breach of the Data Protection Act.

Importantly, we have, since receipt of the ICO's email, added a number of mitigating factors to our privacy impact assessment, including an earlier review, and clear signposting alongside OGL of the restrictions of section 11 Data Protection Act. We will also say that our review may lead us to imposing restrictions on re use, including pursuing a different licensing model to OGL. We have yet to respond formally to the ICO, given your dialogue. But as things stand, we do still intend to publish as planned, and we think we should therefore take more than a passive role in how this is taken this forward. We would be very happy to discuss this in any joint/stakeholder forum you can facilitate. As I am sure you appreciate, we do need to act promptly in view of the published release date of this Friday, 23rd March.

Regards.

[Redacted]

From: [Redacted]
Sent: 20 March 2012 16:10
To: [Redacted]
Cc: [Redacted]
Subject: RE: Land Registry PPI data and the OGL [UNCLASSIFIED]

[Redacted] (and copied to [Redacted] and [Redacted]),

We are currently in dialogue with the ICO on the definition of "personal data" and the relevant provisions of the Open Government Licence.

It may be necessary to modify the terms under which the data in question is released which would consequently have an impact on your plan to release the data by the end of the week. Colleagues that need to be involved in recommending a way forward on this are out of the office tomorrow, so we shall contact you with an update on Thursday.

[Redacted]

From: [Redacted]
Sent: 19 March 2012 10:56
To: [Redacted]
Cc: [Redacted]
Subject: RE: Land Registry PPI data and the OGL [UNCLASSIFIED]

[Redacted],

We plan to come back to you later on today in support of your analysis of the issue. However, we also intend to discuss the matter with our contact at the ICO as this could have wider policy implications.

[Redacted]

From: [Redacted]
Sent: 16 March 2012 11:26
To: [Redacted]
Cc: [Redacted]
Subject: Land Registry PPI data and the OGL

Dear [Redacted]

I write further to our brief discussion on the use of the OGL for the release of Land Registry's price paid data.

As you know, as part of the Public Data Group, we are intending to release monthly the price paid data and allow reuse of this data under the OGL. This data has been sold commercially for a good number of years and appears on several popular websites such as 'Zoopla' and 'Rightmove'. Our view is that the data is not personal, and that the OGL is a suitable licence.

In preparing for the free release of this data, we carried out a small scale privacy impact assessment to evaluate whether there were any privacy issues. As a result we agreed to add a source statement so that the public are aware of the source of the information and publish a privacy statement specific to the price paid information. We also intend to sign post information regarding opting out of receiving direct marketing.

We have been in dialogue with the ICO and advised them of the above points. In their response, they have expressed the view that the data we intend 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*". They go on to say that "*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*"

We remain of the view that the data relates to the property rather than the person and that the data could be released under the OGL, however we would welcome your views.

Regards

[Redacted]

[Redacted]

Corporate Legal Services

[Redacted] Office

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