

From: [Redacted]
Sent: 22 March 2012 17:53
To: [Redacted]
Cc: [Redacted]
Subject: RE: Land Registry PPI data and the OGL [UNCLASSIFIED]

Dear [Redacted] and [Redacted],

I refer to the continuing dialogue and the views and comments we have exchanged in the past few days in respect of Land Registry's proposal to publish price paid data as part of its support for the Government's commitment to greater transparency.

Our view remains that the price paid data is property related rather than personal. The reasons behind this view were set out in our earlier letter of 2 March. This was the conclusion we came to following the PIA. The PIA report will be published on our website tomorrow alongside publication of the data. You welcomed publication of the PIA. You will note from the report that it was originally recommended that we should undertake a review of the publication of the data and use of the Open Government Licence after six months of publication. We have reflected on this and now consider that we will review the position after **three months**. In addition we are making it very clear from our website that we are reserving our position in relation to the use of the Open Government Licence. We make it clear that following the review, the OGL may be replaced by a bespoke licence or that we may impose additional limitations on the use of the data. But we continue to hope that this will not be necessary.

We note your view you that the data which we will be publishing may in many cases be likely to be personal data, given the availability of other data which enables people to easily relate the property information to individuals who may reside at the property. As you know, this is not a view we share, nor did it become an issue under the Privacy Impact Assessment. We do, of course, understand the need for the ICO to reserve its position in the event a complaint is raised. It is at that stage, that the debate can be aired more fully.

Our view is that the data is property related as it tells us about the property and not individual. As I have explained, the information is publically available for the following reasons:

- (1) Under section 66 of the Land Registration Act 2002, any person can obtain an official copy of the register which gives the information which you suggest makes the data public for a fee under our Fee Order. A register of title gives the property address, the name(s) of the owner, and any mortgage together with the price paid. All of this information can be obtained on payment of a token fee. Therefore, the information is available from the register which is electronically accessible. The mere fact that the data is now being provided in a different way does not alter the fact that anyone can obtain this information (and much more) by viewing the register.
- (2) As you know, we obtained a view from your office in 2004. The view then was that as the data set we were providing did not include names of individual purchasers, the data did not focus on the individual to make it personal data. You stated, ' 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.'

- (3) On the basis of the views that your office gave, we have been selling the data commercially for many years and, indeed, hitherto without any subsequent formal challenge.
- (4) Websites publish the information and local newspapers specify prices for properties for sale. House selling prices are openly advertised and often publicly auctioned. So already the information is widely available. Many websites use the data with other data to provide comparable information as to pricing.
- (5) We accept that the data may be used for direct marketing. We will therefore signpost users to your website and the information on how to opt out of receiving direct marketing.
- (6) We are also now going to highlight that it is the user's responsibility that they must comply with the Data Protection Act, specifically in relation to section 11 (ibid.)
- (7) We are only releasing new monthly data. This month it will be the price paid data for February, next month for March, and so on. We are not releasing the historic price paid data sets, which runs to many millions of entries. For those data, licensing restrictions remain.

We accept that there may be potential wider privacy or human rights issues but even this does not in itself mean that the data publication is a breach of the Data Protection Act 1998. We will, of course, remain in close touch with The National Archives in relation to responses we receive about use of the Open Government Licence. Overall, you welcomed the additional mitigating steps we are taking, and agreed that it is for us to take the decision as to publication. By the same token, we also accept that members of the public always have the right to challenge the actions of data controllers, and we will escalate to your office, any such challenge we receive.

Regards.

[Redacted] [Land Registrar](#) | [Head of Corporate Legal Services](#) | [Land Registry Head Office](#)
[Redacted] | [Redacted] | [Redacted] | [Redacted]
[Redacted] | [Redacted] | [Redacted] | [Redacted]
[Redacted] [@landregistry.gsi.gov.uk](mailto:[Redacted]@landregistry.gsi.gov.uk)