



Owen Boswarva <owen.boswarva@gmail.com>

Re: Freedom of Information Request MP1N2KH76 – request for internal review and new FOI request

1 message

Owen Boswarva <owen.boswarva@gmail.com>
To: dpfoi@leeds.gov.uk

21 October 2024 at 16:33

Dear [REDACTED],

Thank you for the Council's response to my FOI and RPSI requests dated 6 October 2024 (your reference MP1N2KH76).

This email contains a request for an internal review of that response, and a new FOI request for additional information.

In your response dated 15 October, you directed me to updated information available via the following page on the Data Mill North website at:

<https://datamillnorth.org/dataset/em7lg/council-tax-bands-of-all-properties-in-leeds>

My interpretation is that the contents of the 2024 data file in CSV format linked from that page at the time of receipt of your response were the Council's disclosure of information to me in response to my FOI request, and that your response also confirmed the Council's permission for me to re-use that information under the terms of the Open Government Licence (OGL). The specific URL of the data file was:

<https://datamillnorth.org/download/em7lg/g7e/2024.csv>

Acting in reliance on the Council's response, I downloaded the data file on 15 October and subsequently re-used the information in the data file for the purpose set out in my RPSI request i.e. "combining that information with data from existing open public datasets and making the outputs available to others in a re-usable electronic form under an open licence."

However, I am aware that a couple of days later (circa 17 October) the Council removed the data file from the Data Mill North page and replaced it with a revised version in Excel format at the following specific URL:

<https://datamillnorth.org/download/em7lg/g7e/2024%20adjusted.csv.xlsx>

I have not carried out a record by record comparison of the two data files, but the substantive difference seems to be that Excel file does not contain the postcode or UPRN (Unique Property Reference Number) fields that were included in the original CSV file disclosed to me.

The Council's decision to remove the postcode and UPRN data from public access shortly after its disclosure to me raises concerns about the Council's response to my information request and the reliance I and others may place on that response when re-using the disclosed information. I am seeking an internal review of that response in order to clarify the Council's intentions and position.

Request for internal review

Please confirm that:

- (a) all information in the 2024 CSV file available for download on 15 October, including the postcode and UPRN data, was lawfully disclosed to me under the FOI Act;
- (b) the Council has granted permission for me to re-use that information for the purpose specified in my RPSI request, under the terms of the OGL; and
- (c) the disclosed information is not covered by or subject to any third party rights the Council is not authorised to license.

If the Council does not agree with any of those three points, please provide a revised response to my information request. In particular, please consider whether the Council should have disclosed further information in response to the following part of my request:

"If any third party owns intellectual property rights in any of the above requested information, which the Council is not authorised to license as requested, please specify the relevant information and the name of the third party.

"If Leeds City Council is unable to disclose any of the above requested information, or is unable to grant permission to re-use any of the information as requested, please also disclose any information that the Council holds explaining those restrictions or barriers, including any relevant contract or agreement to which the Council is a party or under which the Council is bound."

I assume the Council has retained a contemporaneous copy of the full information disclosure, but for reference I have placed a copy of the 2024 CSV file on my website at the following URL:

[https://www.owenboswarva.com/opendata/Leeds City Council/2024.csv](https://www.owenboswarva.com/opendata/Leeds%20City%20Council/2024.csv) (55.17 MB)

Please also review the Council's application of the exemption in section 21 of the FOI Act to my request. My understanding is that the 2024 CSV file was published on the Data Mill North website circa 12 October, a few days before the Council emailed its response to me. As the requested information was not "reasonably accessible" to me at the time of my FOI request on 6 October, I do not think the exemption in section 21 is relevant.

New FOI request

Please provide all information held by the Council related to:

- (a) the Council's handling of my FOI and RPSI requests dated 6 October 2024 (your reference MP1N2KH76);
- (b) preparation of the 2024 CSV file and its publication circa 12 October;
- (c) the Council's decision to publish the replacement 2024 Excel file circa 17 October, including any reasoning or rationale for not including the postcode and UPRN data in that file.

This request covers information held in the Council's records, up to the date and time of this email, including in any internal or external correspondence between Council staff, contractors, and/or third parties.

Please also disclose any information that the Council holds related to legal or policy restrictions or barriers that may have dissuaded the Council from publishing the postcode and/or UPRN data, including any relevant contract or agreement to which the Council is a party or under which the Council is bound.

Thank you for your attention to these requests.

Best regards,

Owen Boswarva

Contact details

e-mail: owen.boswarva@gmail.com

telephone: [REDACTED] or [REDACTED]

address: [REDACTED]

On Tue, 15 Oct 2024 at 11:04, <noreply@leeds.gov.uk> wrote:

Dear Owen Boswarva,

Re: Freedom of Information Request **MP1N2KH76**.

I refer to your correspondence to the council and your request for the following:

I would like to request the latest version of the same information held by Leeds City Council i.e. an updated list of the assigned council tax band of every property in Leeds, including (at minimum) the address fields, council tax band, and the Council's property reference.

In regard to the above. Data Mill North has now been updated and the information requested may be found by following the link below.

<https://datamillnorth.org/dataset/em7lg/council-tax-bands-of-all-properties-in-leeds>

As this information is available in the public domain, it is exempt from release under S21 of the Freedom of Information Act (Information Accessible by Other Means).

I further request, in accordance with regulation 6 of the Re-use of Public Sector Information Regulations 2015, permission to re-use all information provided in response to the above access to information request for the purpose of combining that information with data from existing open public datasets and making the outputs available to others in a re-usable electronic form under an open licence. I request that Leeds City Council grants permission to re-use the information for this purpose either without restriction or under the terms of the Open Government Licence v3 (<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>) or an equally permissive licence. Given my intended use, any more restrictive licensing terms would be likely to "unnecessarily restrict" the way in which the information can be re-used, contrary to RoPSIR regulation 12.

This information is now in the public domain and the council is happy for this to be used.

I trust that this response is satisfactory. If however you are dissatisfied with this response you have a right to appeal to an independent officer within the council. They will re-examine your request and assess whether we have adhered to the requirements of the act. Should you wish to follow this course of action please address your concerns in writing to the above address.

You also have a right under Section 50 of the Freedom of Information Act to ask the Information Commissioner to decide whether we have met with our obligations under the act. The Commissioner has however made it clear that they expect all applicants to exhaust internal appeals procedures prior to making such an application. Should you wish to contact the Commissioner's office then you can contact the Commissioner via their website at www.ico.org.uk

I trust that this is self-explanatory. If you have any queries please contact me by return email to dpfoi@leeds.gov.uk, or please leave a message for me via 0113 3784251 and I will get back to you.

Yours sincerely



Information Governance Officer

Legal, Democratic and Information Governance

Leeds City Council