
Leeds City Council Information Management & Governance

1 message

noreply@leeds.gov.uk <noreply@leeds.gov.uk>
To: owen.boswarva@gmail.com

20 November 2024 at 09:47

Dear Mr. Boswarva,

EIR Request and Appeal - MVGCJH5TF/MP1N2KH76 – Council Tax Dataset

I write in response to your recent information request (MVGCJH5TF) and your request for an internal review of a previous request regarding the same dataset (MP1N2KH76) contained within your correspondence of 21 October 2024. In providing this response, I am aware that your previous request was processed under the Freedom of Information Act. I am, however, of the view that, given the nature of the information in question, this request should, properly, have been processed under the Environmental Information Regulations. I have, as such, considered your new request, and the appeal of your previous request, on these terms.

Your original request asked:

Leeds City Council has previously published a dataset providing the assigned council tax band of every property in Leeds. Versions of the dataset for four years from 2015 to 2018 are available on the Data Mill North website and available for re-use under the terms of the Open Government Licence: <https://datamillnorth.org/dataset/em7lg/council-tax-bands-of-all-properties-in-leeds> 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. Please also provide the Unique Property Reference Number (UPRN) for each property on the list. My preference is to receive the above information electronically in a re-usable file format such as Excel or CSV. 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.

The council responded to this request advising:

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).

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

You have responded to this request stating with the below, and I have taken your points in turn so as to be of best assistance.

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;

Unfortunately, the Council Tax address database with bandings was published with the postcode under OGL Licensing terms in error. Once we were made aware of this, we immediately removed the UPRN and Postcode fields whilst we had further discussions with Ordnance Survey. Following those discussions with Ordnance Survey we have now re-instated the UPRN, but we are not able to publish the postcode as we do not have permission from Royal Mail.

(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

As stated above, the information in question was published in error and, as such, the council's decision to allow re-use of this information was incorrect (as it was made on the basis of the dataset not containing UPRN and Postcode fields). I can, however, confirm that the revised dataset has been published under OGL licensing terms and can, as such, be reused.

(c) the disclosed information is not covered by or subject to any third party rights the Council is not authorised to license.

As above.

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.

The council accepts that the previous information/response was provided in error. As stated above, the dataset in question contained UPRN and postcode information which is contained within products available for purchase from Royal Mail/Ordnance Survey. Whilst we have now agreed with Ordnance Survey that UPRNs can be published (and the dataset has been updated accordingly), postcode information is considered to be the intellectual property of Royal Mail. As such, this information should not have been published. If your request for 'address fields' was made on the basis of the address field including the post code of the property, this information would, necessarily, be excepted from release on this basis (although I would note that the revised dataset does include 'address fields' for the property, so I am of the view that this element of your request has been addressed satisfactorily).

For reference, Information with regard to the licencing of OS and Royal Mail intellectual property is available at the below links:

<https://www.ordnancesurvey.co.uk/customers/public-sector/public-sector-licensing/licensing-terms#:~:text=Ordnance%20Survey%20Limited%20has%20a,OS%20mapping%20and%20geospatial%20data.>

<https://www.poweredbypaf.com/licence-our-products/licence-agreement-for-the-public-sector/about-public-sector-licences/>

With regard to the council's previous application of S21 of the Freedom of Information Act, as I have previously stated, I am of the view that this request should, properly, have been processed under the Environmental Information Regulations and, as such, S21 would not be applicable. I do accept, however that, under the terms of that legislation, S21 could not apply to the information in question, as the dataset was not uploaded until after the point you made your request. I would note, however, that no such exception exists under EIR, and I am of the view that the dataset now published (along with this appeal response) fulfils the requirements of the Regulations in respect of your request.

Please note that, given the above, your rehosting of the previously disclosed and now replaced dataset may infringe on Royal Mail copyright. We would, as such, recommend that you do not continue to do this.

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);

Please see the attached document 'MP1N2KH76 Processing Info'

(b) preparation of the 2024 CSV file and its publication circa 12 October;

We do not hold recorded information separate to the above.

(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.

Please see the attached document 'FW_Leeds Address Data (R)'. Please note that personal information has been redacted in accordance with Reg 12(3) of the EIR as its disclosure would breach the first data protection principle of the UK GDPR

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.

We do not hold any additional information separate to the above.

This concludes my response to your further request and appeal. I do hope this is satisfactory. If you remain dissatisfied with the response of the council to your appeal, under Regulation 18, you are entitled to apply to the Information Commissioner for a decision as to whether, in any specified respect, your request has not been dealt with in accordance with parts 2 and 3 of the Regulations.

With regard to your further request, Under Regulation 11, you are entitled to make representations to us if it appears that we have failed to comply with a requirement of the Regulations in relation to it. Representations must be made to us no later than 40 working days after the date you believe we failed to comply with such a requirement.

Should you wish to contact the Commissioner's Office then you can via their website at www.ico.org.uk.

Regards,

,
Principal Information Governance Officer,
Information Requests Management,
Legal, Democratic and Information Governance.

t: 
e: @leeds.gov.uk

2 attachments

 **MP1N2KH76_Processing_Info..pdf**
77K

 **FW_Leeds_Address_Data..pdf**
250K