

## Addressing FOIs – 2025/26 – Guidance

Guidance on GeoPlace's Knowledge Hub (Khub) (similar guidance has been produced for Scotland)

### FOI Request for Local Authority addresses and UPRNs

We are aware that many local authorities have received an FOI request for information along the lines of the following: *the Council's current list of all domestic properties within its area, including the full address, the assigned Council Tax band, the Council's property reference, and the Unique Property Reference Number (UPRN) for each property on the list.*

The request typically asks for the information to be provided electronically in a re-usable file format such as Excel or CSV.

In addition, many of the FOI requests are accompanied by a request to reuse the data in accordance with regulation 6 of the Re-use of Public Sector Information Regulations 2015, 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.

Lastly, some of the requests state that Leeds City Council recently published a 2024 version of its Council Tax address list, under the Open Government Licence (**OGL**).

The advice below relates only to the addresses and UPRNs; we are unable to provide advice with regards to the disclosure of council tax bands and council property references, since neither GeoPlace nor Ordnance Survey owns intellectual property rights in such data.

### Executive summary

In summary, we believe that the vast majority of Local Authorities will (i) be able to release the UPRN together with the Council Tax band and the Council's property reference, (ii) not be entitled to disclose addresses. Further detail, and potential exceptions to this position, is set out below.

### Guidance on FOI request

#### UPRNs

*Provided you have associated UPRNs with your own data in accordance with the OS Open ID policy, including the 'green list' data matching attribute policy - <https://www.ordnancesurvey.co.uk/business-government/tools-support/open-mastermap-programme/open-id-policy>, Ordnance Survey and GeoPlace have no objection to the UPRNs being disclosed. Where the Council has matched UPRNs to its own data (e.g. the Council's property reference) using the address string, the OS Open ID policy allows you to release the UPRNs on the terms of the OGL.*

#### Addresses

*The Council needs to consider whether you, as a local authority, hold the requested information; this is a question that only you can answer, but our assumption is that you may well have Street Naming and Numbering records (which you may publish already) and address data that is maintained in your Local Land and Property Gazetteer (LLPG). If you do hold the requested addresses then, to the extent that the property addresses are "Authority Owned Data" as defined by your DCA (the Data Co-operation Agreement between each local authority and GeoPlace), we are happy for you to make the addresses available to the requester, together with the associated UPRNs. However, note that if your Authority Owned Data addresses include the postcode, Royal Mail will own intellectual property in the postcode, and therefore you should contact Royal Mail prior to releasing the postcodes.*

Please note that it is not possible for us to advise individual local authorities as to which of its address information is Authority Owned Data; this is a decision for each local authority to make, i.e. the local authority would need to be confident that it has created and maintained new house names, numbers, street names and localities without any reference to address data licensed through the PSGA Member Licence (or a previous agreement) or Supplied Data under the DCA. Having said that, our assumption would be that to the extent that the address information is taken from a local authority's LLPG, such addresses will **not** be Authority Owned Data, i.e. they will contain intellectual property of Ordnance Survey, GeoPlace and Royal Mail. Note that the DCA and the PSGA Member Licence were drafted on this basis; see for example Recital D i) from the DCA, which provides that the licensing of Address datasets via the PSGA Member Licence enables licensed use of the LLPGs. (Please also take into consideration that, if your addresses have been created and/or cleansed using an OS addressing product, in addition to the addresses containing intellectual property of Ordnance Survey/GeoPlace, Royal Mail will also own intellectual property rights in the addresses and, therefore, we would advise you to contact Royal Mail directly prior to releasing such information.)

If our assumption is correct, and not all the requested addresses are Authority Owned Data, then we would request that the addresses not be disclosed, on the basis of section 21 (information accessible via other means) and/or section 43 (commercial interests), which we expand on below.

In relation to section 21, we note that the information is available via Ordnance Survey or its licensed partners. We note that section 21(2) provides that information may be reasonably accessible even if payment is required for access to it. Section 21 is an absolute exemption, and so doesn't require a public interest test to be undertaken. The requester can obtain the information directly from one of OS's licenced partners, on payment of the relevant fee. The OS website lists the licensed partners whom the requester may contact: [Find a business partner | Business services | OS](#).

In relation to section 43, it is our view that release of this information would prejudice the commercial interests of both GeoPlace and Ordnance Survey. Ordnance Survey is a wholly owned Government company, whose objectives include "to operate as a sustainably profitable commercial organisation, on a self-financing basis" (see Ordnance Survey's Shareholder Framework Document available under the heading 'Useful documents' on our Governance pages – [OS Governance | Home | OS \(ordnancesurvey.co.uk\)](#)). Ordnance Survey generates revenue from the sale of its products, including the AddressBase products, and pays a royalty on such sales to GeoPlace. Even though any disclosed information would only be provided subject to copyright and database right, and so could only be used for limited purposes, and could not, for example, legitimately be made available to others, the relevant local authority would need to make the same information available to others who request it under the FOIA.

It is GeoPlace's view, and that of Ordnance Survey, that this would lead to a significant risk of copyright and/or database right infringement; in addition to a loss of commercial revenue, there would be a significant cost in both monitoring the use of the data and enforcing the intellectual property rights of GeoPlace, Ordnance Survey and the Crown.

In terms of the reference in some of the FOI requests to the release by Leeds City Council of its addresses, note that Ordnance Survey and Leeds CC discussed the request prior to disclosure by Leeds CC, and Leeds' position was that the addresses in its Council Tax dataset were Authority Owned Data, i.e. Leeds confirmed that the addresses it released have been created and maintained entirely separately from its LLPG and any Ordnance Survey AddressBase product. For the purposes of your response to the requester in relation to this point, assuming that your addresses contain Ordnance Survey/GeoPlace IPR, you might like to state something along the lines of: "I understand that Ordnance Survey has discussed the disclosure by Leeds CC of its Council Tax address data, and its position was that the addresses in its Council Tax dataset were owned by Leeds CC itself, i.e. created without the use of OS (or Royal Mail) data; our equivalent dataset was created in a different way."

#### **Further guidance in relation to public interest test**

A number of local authorities have asked for further details in relation to the public interest test for section 43; Ordnance Survey's and GeoPlace's position is set out below.

Clearly there is interest in the specific information being requested, which is why so many organisations pay Royal Mail, Ordnance Survey or one of Royal Mail's or OS's licensed partners to access it; but this is not a good argument to make the data available for free pursuant to the FOIA.

We are of course aware of limited public interest in various address data being made available for free and on permissive terms (such as under the Open Government Licence) but, even if the data were to be disclosed, it would be subject to OS/Crown and GeoPlace (and very probably Royal Mail) copyright and database rights. In any event, whether such of the data as is publicly owned should be made available for free and on permissive terms is a wider policy question concerning the licensing terms and conditions of certain public sector information. On this point, Ordnance Survey makes available a range of its data under open or permissive terms as part of the policy known as Open MasterMap; further information on the background to this policy can be found here

[https://assets.publishing.service.gov.uk/media/5b21151eed915d2cd274dcf0/OSMM\\_narrative.pdf](https://assets.publishing.service.gov.uk/media/5b21151eed915d2cd274dcf0/OSMM_narrative.pdf). The delivery of Open MasterMap is one of Ordnance Survey's obligations under the Public Sector Geospatial Agreement (PSGA), which was entered into by Ordnance Survey and the Geospatial Commission (now the Government Digital Service (GDS)), as of 1 April 2020. All IP owners and contributors were consulted during the policy development phase of the Open MasterMap policy, which took into account the case for increasing open data, balanced with the rights and interests of IP owners.

Having considered the arguments in favour of disclosure against those in favour of maintaining the exemption, it is the view of Ordnance Survey and GeoPlace that the balance is strongly in favour of maintaining the exemption. In particular, we believe that the likelihood and severity of prejudice to the commercial interests of Ordnance Survey and GeoPlace, and the fact that it is Government policy that the data (insofar as it is publicly owned) be charged for, outweigh the arguments in favour of disclosure.

### **Guidance on request for reuse under the Re-use of Public Sector Information Regulations 2015**

Assuming that the Local Authority withholds the addresses from disclosure, relying on the exemptions in sections 21 and 43 of the FOIA (as set out above), then the request for re-use of such information under the Re-use of Public Sector Information Regulations falls away, because the typical wording requests "permission to re-use all information *provided in response*" to the FOI request. In any case, there are several reasons why the Re-use of Public Sector Information Regulations 2015 would not apply to such information, including the fact that the requested information includes third party IPR (see regulation 5(1)(b)).

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Follow-up communication (to be adapted depending on the circumstances of the individual local authority, e.g. an authority may already have informed us that it has disclosed addresses in error)

### **Guidance for Local Authorities that have disclosed address data in response to FOI request in error**

Many local authorities have received an FOI request for information along the lines of the following: *the Council's current list of all domestic properties within its area, including the full address, the assigned Council Tax band, the Council's property reference, and the Unique Property Reference Number (UPRN) for each property on the list*. The request typically asks for the information to be provided electronically in a re-usable file format such as Excel or CSV.

In addition, many of the FOI requests are accompanied by a request to reuse the data in accordance with regulation 6 of the Re-use of Public Sector Information Regulations 2015, 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.

We have set out on the Khub joint guidance from GeoPlace and OS in relation to these FOI requests.

In summary, we believe that the vast majority of Local Authorities will (i) be able to release the UPRN together with the Council Tax band and the Council's property reference, (ii) not be entitled to release addresses (detailed advice is given in the earlier guidance [[insert link](#)]).

Since the publication of the joint GeoPlace/OS guidance on the Khub, a number of local authorities have contacted us to let us know that they have disclosed their addresses in error, often under the terms of the Open Government Licence (OGL). We set out here joint GeoPlace/OS guidance as to what a local authority should do if it considers that it has disclosed its addresses in error in response to an FOI request.

### Recommended steps

1. First, if you have published the addresses on your website as part of your FOI publication scheme, we advise that you cease making the addresses available by such route as soon as practicable. This will prevent the further download/use of the data. In addition, we suggest you include this wording on your website, in connection with the relevant request:

*“Please note that [name of Local Authority] released our list of Council Tax addresses in error in response to this FOI request. Please note that third parties, namely Ordnance Survey, GeoPlace and Royal Mail, own intellectual property in such addresses, which should not have been disclosed. Any use of the Council Tax addresses which we disclosed in error is subject to the database rights and copyright of Ordnance Survey, GeoPlace and Royal Mail. Therefore, you may not reproduce, re-use, distribute, or publish it without the express permission of those three organisations. This restriction does not apply to reasonable use for your own non-commercial research purposes, private study, or any other uses permitted under the Copyright, Designs and Patents Act 1988.”*

2. In the event that you released the data under the terms of the OGL, please also include some wording on your website, in connection with the relevant request, along the lines of the following: *“Note that, although [name of Local Authority] released the Council Tax addresses under the Open Government Licence (OGL), we draw your attention to the fact that the licence granted in the OGL does not cover “third party rights the Information Provider is not authorised to license”; we confirm that we are not authorised to license intellectual property rights of Ordnance Survey, GeoPlace or Royal Mail.”*
3. Contact the individual who made the FOI request, stating as set out in 1 above and, where the information was disclosed under the OGL, 2 as well.
4. Where you have given anybody permission under the Re-use of Public Sector Information Regulations 2015 (**PSI Regs**) to re-use the Council Tax addresses without restriction, please contact them to inform that: *“Note that, although [name of Local Authority] granted you permission to re-use the Council Tax addresses without restriction and/or for your requested purpose and/or under the Open Government Licence (OGL), this was granted in error. We note that regulation 5(1)(b) of the PSI Regs makes it clear that they do not apply where a third party owns relevant intellectual property rights in the information; in this case, Ordnance Survey, GeoPlace and Royal Mail all own intellectual property rights in the information, which we are not authorised to license.”*

If you have any questions about the above, then please contact us at [\[insert GeoPlace email address\]](#).

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