

8 April 2020  
Our ref: 6194288

Thank you for your request received on 15 March 2020, for the following information:

**I would like to know when an occupant first registered to pay council tax at Flat 5 3 Croft House, Heritage Avenue, London NW9 5XY and at Flat 39 Claremont House, Aerodrome Road, London NW9 5NW. I would also like to know the names of all people living at these two property from 2012 to date. which would be recorded in the Electoral registers which is open to the public to view.**

We have processed this request under the Freedom of Information Act 2000.

### **Response**

I can confirm that London Borough of Barnet holds the information you requested.

However, we consider that the following exemption to some of the information requested. The remaining information is not withheld and is below.

**I would like to know when an occupant first registered to pay council tax at Flat 5 3 Croft House, Heritage Avenue, London NW9 5XY and at Flat 39 Claremont House, Aerodrome Road, London NW9 5NW. I would also like to know the names of all people living at these two property from 2012 to date. which would be recorded in the Electoral registers which is open to the public to view.**

The following properties were brought into the Council Tax list from:

5 Croft House, Heritage Avenue, London NW9 5XY - 29 October 2011.  
39 Claremont House, Aerodrome Road, London NW9 - 22 August 2013.

The information requested regarding the names of all people living at the above-mentioned properties from 2012 to date is being withheld as we are applying the exemption in Section 40 subsection 2. Please see the Refusal Notice below.

We consider that the absolute exemption set out in Section 40 (Personal information) subsection (2) applies to the information requested. Therefore, we have decided to withhold the information.

### **Refusal Notice Section 40(2)**

Part 1 of Schedule 19 of the Data Protection Act 2018 amends the personal data exemption under section 40 of the Freedom of Information Act 2000(FOI). These are consequential amendments designed to ensure that the correct provisions of the GDPR and the new Act are referenced instead of the now repealed DPA 1998. They will not fundamentally impact when personal data can, and cannot, be disclosed in response to an FOI request.

Personal Information is governed by the Data Protection Act legislation and is defined as any information relating to an identified or identifiable natural person ('data subject')". It adds that: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location number, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The withheld information is exempt because disclosure would contravene the first data protection principle which requires that personal data is processed fairly and lawfully. Disclosure of the requested information would breach this principle and in particular the requirement of fairness.

***I would also like to know the names of all people living at these two property from 2012 to date. which would be recorded in the Electoral registers which is open to the public to view.***

This data is not held by the London Borough of Barnet – as per electoral legislation (specifically Representation of the People Act 1983) it is held by the Electoral Registration Officer (ERO) who is a statutory post holder appointed by the Borough.

The ERO is not subject to the Freedom of Information Act 2000 as they are not a public authority for the purposes of the Act, as they are neither specified in Schedule 1 of the Act nor has a Ministerial Order been made under s5 designating them as a public authority.

### **Further information**

The Register of Electors can be viewed by members of the public under supervision and only hand written notes can be made. The register can be viewed at our offices at 2 Bristol Avenue, London, NW9 4EW. You will need to make an appointment with us by calling 020 8359 5577.

Names that are listed in the Register of Electors cannot be provided by email or by letter (unless it is the person who is requesting their own personal information) due to data privacy laws.

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

### **Advice and Assistance : Direct Marketing**

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link [www.ico.org.uk](http://www.ico.org.uk)

**For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.**

### **Your rights**

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk). Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website [www.ico.org.uk](http://www.ico.org.uk)). There is no charge for making an appeal.