

20 October 2021
Our ref: 7693416

Thank you for your request received on 30 September 2021, for the following information:

Dear Barnet Borough Council,

Under the Freedom of Information Act. I would like to request a list of all Empty houses in Barnet.

I would like the following data;

1. Name of the owner (council tax addressee 2. Address of the property

I want to be able to give the opportunity of bringing back houses to a good state or repair and have them used.

Hope you can help.

Yours faithfully,

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 believe that the exemptions detailed below apply to all of this information and this is withheld. Please see the Refusal Notice below.

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We consider that the qualified exemption set out in Section 31 (Law enforcement) subsection(1)(a) applies to the remaining information requested. Therefore, we have decided to withhold the information.

In applying this exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.

Factors in favour of disclosure

- The council's commitment to openness and transparency. We confirm that there are currently 2,751 empty properties in the borough of Barnet
- There would be an interest to certain members of the public who wish to bring empty properties back into use
- It could be perceived as the Council retaining information and hiding behind legislation in order to do so
- Some local authorities may have disclosed similar information to that requested

Factors in favour of withholding

- There is a strong likelihood of releasing the details would result in criminal activity
- It is not in the public interest to increase the risks of crime
- Even if a significant number of local authorities have disclosed similar information to that requested in this case, it does not automatically follow that all public authorities should disclose that information

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The Empty Properties team may be able to put you in touch with owners who want to bring their empty properties back into use.

Please see our website for further information: www.barnet.gov.uk/emptyproperties

A list of all empty commercial properties can be found on our Open Barnet data portal which can be accessed via by clicking on this link:
<https://open.barnet.gov.uk/dataset/empty-commercial-properties>

Section 40(2) - Personal data

We have withheld the names of the person(s) paying Council Tax by virtue of section 40 (2) and any discounts that apply under the Freedom of Information Act 2000 (FOIA), as disclosure of this information to the public generally, in the Council's view, would not be consistent with the data protection principle found in Article 5.1(a) of the General Data Protection Regulation (GDPR) lawfully, transparently and fairly.

We have considered whether disclosure is lawful and fair and whilst it may be lawful under Article 6.1(f) GDPR (legitimate interests) it would not be fair to the individuals concerned who would not expect the names of Council Tax payers to be disclosed as part of such a request.

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.

Further information

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

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. Or by post to Records & Information Management Service, Assurance Group, 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). There is no charge for making an appeal.