

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 December 2022

Public Authority: London Borough of Hounslow

Address: Hounslow House

7 Bath Road

TW3 3EB

Decision (including any steps ordered)

1. The complainant has requested information on empty properties in Chiswick. The London Borough of Hounslow (the "council") withheld the information under section 31(1)(a) of FOIA (law enforcement and the prevention or detection of crime).
2. The Commissioner's decision is that the council appropriately applied the exemption contained in section 31(1)(a) to withhold the information.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 20 June 2022, the complainant wrote to the London Borough of Hounslow (the "council") and requested information in the following terms:

"Under the freedom of information (F.O.I) act 2000, please find an attachment containing a list of full house addresses and postcodes including property images within the Chiswick area, with regards to my request for assistance with verification of empty abandoned residential properties, current ownership status & registration (registered or unregistered) status for the attached addresses list."

5. The council's final position is that the information should be withheld under the exemption for law enforcement – section 31(1)(a).

Reasons for decision

6. The following analysis sets out why the Commissioner has concluded that the council was entitled to rely on section 31(1)(a) of FOIA in this particular case.

Section 31(1)(a) – the prevention or detection of crime

7. Section 31(1)(a) of FOIA says that:

"Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice-

(a) the prevention or detection of crime,"

8. The council argued in its responses to the complainant that the release of the requested information would be likely to prejudice the prevention and detection of crime.
9. In considering this matter the Commissioner has referred to the council's and the complainant's submissions. He has also referred to decision notices which have been issued in relation to requests to other local authorities for the same information. He has specifically considered

a decision notice issued in May 2019 which concerned a request for similar information about empty properties¹. In that case the Commissioner found that that exemption was engaged. In view of the comparable nature of the requests he sees no reason to depart from this conclusion in this case and he transposes the reasoning from the decision notice cited to this decision notice.

10. The First-tier Tribunal (Information Rights)² has also considered the issue of requests made to local authorities for information on empty properties, and has concluded that such information should be withheld under section 31(1)(a) of FOIA. The Commissioner has also taken this Tribunal case into account when reaching his decision.
11. The Commissioner accepts that the potential prejudice described by the Council clearly relates to the interests which the exemption contained at section 31(1)(a) FOIA is designed to protect.
12. The Commissioner is also satisfied that the prejudice being claimed in this case is "real, actual or of substance", and that there is a causal link between disclosure and the prejudice claimed. It is clearly logical to argue that the disclosure of a list of empty properties would provide those intent on committing crimes associated with such properties an easy way to identify them. The Commissioner therefore considers that the exemption is engaged.
13. In relation to the public interest in this matter the Commissioner acknowledges that the complainant has genuine personal reasons for accessing the information.
14. However, the Commissioner has a duty to consider the broader public interest and he acknowledges that there is a clear public interest in protecting society from the impact of crime. The greater the potential for a disclosure to result in crime, the greater the public interest in maintaining the exemption. The Commissioner considers that the prevention of crime will prevent the criminal acts which adversely impact on the public's wellbeing and on the public purse.

¹ <https://ico.org.uk/media/action-weve-taken/decision-notices/2019/2615022/fs50786336.pdf>

² [https://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2566/Sheffield%20Council%20EA.2018.0055%20\(03.12.19\).pdf](https://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i2566/Sheffield%20Council%20EA.2018.0055%20(03.12.19).pdf)

15. In view of the above the Commissioner has determined that the council appropriately applied section 31(1)(a) FOIA to the withheld information and that the public interest balance is weighted in favour of maintaining the exemption. He does not require the council to take any steps.

Right of appeal

16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Christopher Williams
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF