

My Ref: IG-20271
Your Ref:
Contact: Freedom of Information Team
Email: FOI@nottinghamcity.gov.uk



Nottingham
City Council

Freedom of Information Team
Information Compliance
Legal & Governance
2nd Floor
Loxley House
Station Street
Nottingham
NG2 3NG

Requester

At contact address specified for request number above

10 January 2025

Tel: 0115 876 3855
(ask for FOI team)

Email:

FOI@nottinghamcity.gov.uk
www.nottinghamcity.gov.uk

Dear Requester

Request under the Freedom of Information Act 2000 (the Act)

The council has considered your request which was received on 10 December 2024 and our response to your questions is shown below.

I would like to request the Council's current list of all domestic properties within the Nottingham City Council area, including (at minimum) 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 council is relying on section 43(2) to exempt the majority of the requested information. The council understand that Ordnance Survey have discussed the publication by Leeds City Council of its Council Tax address data, and its position was that the addresses in its Council Tax dataset were owned by Leeds City Council itself, i.e. created without the use of Ordnance Survey (or Royal Mail) data; Nottingham City Council's equivalent dataset was created in a different way derived directly from Ordnance Survey and Royal Mail data. Addresses created through the Local Land & Property Gazetteer (LLPG) means the council are using components from other sources to create the address, including Ordnance Survey Data, and postcodes from the Royal Mail. Any such address data is therefore not just derived from our own data. As with all Local Authorities, the council are bound under legally binding contract for the use of the data supplied by Ordnance Survey, GeoPlace and Royal Mail. GeoPlace manages the National Address Gazetteer that Ordnance Survey uses to publish the AddressBase range of products. The Act does not define 'commercial interests', however the Information Commissioners Office (ICO) guidance on section 43 states, "... a commercial interest relates to a person's ability to participate competitively in a commercial activity". Ordnance Survey charge for the use of this data, and therefore disclosure of their intellectual and commercial property would harm their commercial interests.

Whilst the council works in the spirit of the Act by promoting disclosure and the transparency of Local Government services, the council also need to consider the

harm that would likely be caused to GeoPlace, Ordnance Survey and Royal Mail by releasing address information derived from other sources.

Section 11 of the Freedom of Information Act places certain duties on the council regarding how we provide information in response to a request. Section 11A of the Act concerns the release of datasets for re-use. Specifically, Section 11A(1)(c) which stipulates the right to data provisions only apply where “the public authority is the only owner of the relevant copyright work”. In the case the council are not the only owner of the copyright data as we have used GeoPlace, Ordnance Survey and Royal Mail data to create derived data. This information is not the council’s Intellectual Property and therefore the council are not able to supply this data. GeoPlace and Ordnance Survey have advised us that they do not consent to the council disclosing this information, the information was provided to the council under strict terms of use and reuse, and that disclosure would prejudice their commercial interests.

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, GeoPlace would need to make the same information available to others who request it under the Freedom of Information Act. 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. The council considers that the above prejudice would be likely to occur, the prejudice claimed is real, actual and of substance and there is an underlying link between disclosure of the information and the prejudice occurring.

As the council have relied on section 43(2) of this Act, we are required to conduct a Public Interest Test. This is a test to see whether the public interest in withholding the information is greater than in releasing it. The council acknowledge there is a public interest in the awareness of addresses within the Local Authority, however there are a number of free resources online that allow the public to find out address information including on the council’s website. In this case, we feel it is in the best interests of the public that this information is withheld. You can purchase address information from Ordnance Survey or its licensed partners via a licence of one of their products.

Revealing this information outside a licensed agreement would lead to a directly negative impact on GeoPlace, Ordnance Survey and Royal Mail. There is significant public interest that the council maintains relationships with external organisations, which the council relies on the derive mapping data. This information is beneficial to council, its employees, and the public. Disclosing this information would be a breach of the terms and conditions of the license that grants the council to use this data for our own internal mapping processes. GeoPlace, Ordnance Survey and Royal Mail may also take action against the council if we disclosed this information, especially as they have explicitly requested that this information is not shared.

The council has considered the harm that would be caused to Ordnance Survey, GeoPlace and Royal Mail alongside the council by disclosing the requested information. When weighing the factors favouring disclosure against those favouring non-disclosure, the council has demonstrated the combined weight of factors favouring non-disclosure strongly outweigh the combined weight of those favouring disclosure. We feel it is appropriate in this case to maintain the exemption and withhold this information.

As the council is withholding some information as detailed above under section 43(2) please accept this letter as a partial refusal notice issued in accordance with section 17 of the Act.

In accordance with section 16(1) of the Act, the council has a duty to provide advice and assistance to you, as far as it is reasonable to do so. Address data is available to purchase from Ordnance Survey. Should you wish to find out more about this data please take a look at this Ordnance Survey (OS) page: [AddressBase | Data Products | OS \(ordnancesurvey.co.uk\)](https://www.ordnancesurvey.co.uk/DataProducts/AddressBase)

The council can provide a list of Property Reference Numbers, Council Tax Property Bands and UPRNs using the Valuation Office Agency published council tax data you can then purchase address data (data not owned by the council) directly from Ordnance Survey as directed above.

The Valuation Office Agency publish council tax data, under search filters you can search by 'Local Authority' select Nottingham and click search this brings up a list of all properties in Nottingham City, the address and council tax band. Please note as per the disclaimer on the Valuation Office Agency website the 'data is not to be used for commercial use':

[Search for a property by other details - Check and challenge your Council Tax band - GOV.UK](https://www.gov.uk/search-for-a-property-by-other-details)

You are free to use any information supplied for your own personal use. If the information provided is marked as published under an [Open Government Licence](https://www.gov.uk/open-government-licence) you are free to reuse it, subject to the licence terms. However, if the information is not published under an Open Government Licence and you wish to reuse it, for example, by publishing the information or issuing copies to the public you are required to request permission for re-use of this information under the Re-use of Public Sector Information Regulations 2015 (RPSI). Your RPSI request must be in writing and include your name and address for correspondence, and specify the information you want to re-use and the purpose you intend to use it for.

If you are unhappy with the response provided or with the handling of your request, you can ask for an internal review in writing stating the reasons for your dissatisfaction. Your request for an internal review should be made to the council within forty working days of the date of this letter. Please quote reference IG-20271 in all communications.

You can contact the Freedom of Information Team either by email: FOI@nottinghamcity.gov.uk or writing to the **Freedom of Information Team, Information Compliance, Legal & Governance, 2nd Floor, Loxley House, Station Street, Nottingham, NG2 3NG.**

If you remain unhappy after receiving the response to your initial complaint you can request an independent review from the Information Commissioner's Office at **FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF**. You may also contact the Information Commissioner's Office by telephone on 01625 545745 or by email at mail@ico.gsi.gov.uk.

Yours sincerely

Freedom of Information Team
Legal & Governance
Nottingham City Council