



REQUEST	FOI 18116	RESPONSE
Re: PERSONAL DATA REDACTED		Request A and Request B Questions 4, 5 and 7
<p>Request A</p> <p>I am trying to locate a PERSONAL DATA REDACTED who, according to his neighbours, was a tenant of PERSONAL DATA REDACTED until he undertook a house exchange with Wigan Council Housing Department for a location in Leigh WN7 in August 2024.</p> <p>I would be grateful if you could provide me with the new address of PERSONAL DATA REDACTED in Leigh in order to enable me to pursue the collection of his debts to myself as detailed below and supported by the attached County Court Judgements</p> <p>Request B</p> <p>I would be grateful if you could provide the following in order to inform the County Court and High Court accordingly :-</p> <ol style="list-style-type: none">1 The relevant section/paragraph within the Date Protection Act to which your assertions refer.2 A copy of your Complaints Handling Procedure3 Confirmation that my request for the information dated 3/5/25 has been regarded as an application under Section 50 of the Freedom of Information Act 2000.4 Written confirmation detailing the amount of debt currently owed by PERSONAL DATA REDACTED to Wigan Council, the period of the debt, what the debt relates to and the extent of recovery action undertaken to recover the same.		<p>The Council is neither confirming nor denying that it holds information relating to the person you are seeking.</p> <p>Section 1(1)(a) of the Freedom of Information Act 2000 (Fol Act) states that <i>any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request.</i></p> <p>However, section 40(5B)(a)(i) of the Fol Act states that <i>the duty to confirm or deny does not arise in relation to other information if... giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a) ... would (apart from this Act) contravene any of the data protection principles.</i></p> <p>The data protection principles are in Article 5 of the UK GDPR and relate to the processing of personal data. A person's name and information relating to them (e.g. their address) is personal data. The first principle (Article 5(1)(a)) states that <i>Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.</i> In order to process personal data lawfully one of the lawful bases in Article 6 of UK GDPR must be satisfied. The only lawful bases that could apply in response to an Fol request would be consent (Article 6(1)(a)) or legitimate interest (Article 6(1)(f)). We would not have the consent of a tenant to share their personal data with a third party in these circumstances, so we then have to consider if there is a legitimate interest. Someone pursuing a debt would indeed have a legitimate interest. However, the Council then needs to consider whether confirming or denying such information exists would be necessary to pursue that legitimate interest. If you obtained a Court Order</p>

<p>5</p> <p>Copies of the credit checks undertaken by Wigan Council before the acceptance of PERSONAL DATA REDACTED as a tenant.</p>	<p>instructing the Council to disclose any information held, then disclosure under the FoI Act would not be necessary. However, even if confirming or denying was deemed necessary, then that legitimate interest needs to be balanced against the data protection rights of the tenant (a data subject in UK GDPR terms). Disclosure under the FoI Act is deemed to be to the world at large and it would not be fair to the data subject to confirm that information relating to them being resident at a particular address (or information relating to debt or any application checks undertaken) was held. The Council does therefore not have a lawful basis to confirm or deny that it holds the information requested and Section 40(5B)(a)(i) of the FoI Act is engaged.</p> <p>Request B</p> <ol style="list-style-type: none"> 1. This is not a request for recorded information and is answered separately in response to complaint 2. The Wigan Council Complaints Policy is available on the Council website 3. This is not a request for recorded information and is answered separately in response to complaint 4. See above 5. See above 6. The page on the Council's website - Mutual exchange - swapping your home – includes a link to the policy that anyone who undertook a house exchange would use. As above, this neither confirms nor denies that the Council holds information in relation to the person you are seeking. 7. See above
<p>6</p> <p>A copy of the Wigan Council Policy Document applicable to the provision of accommodation to individuals with the CCJ's relating to the extent of outstanding debts incurred by PERSONAL DATA REDACTED for rental arrears, damages and dilapidations.</p>	
<p>7</p> <p>Clarification regarding the failure of Wigan Council to obtain a reference for PERSONAL DATA REDACTED, as his former Landlord, before his acceptance as a Wigan Council tenant.</p>	