



## Request

I am requesting a dataset of all non-domestic hereditaments for which you are the Billing Authority, containing the following fields for each property:

1. **Liabe party name**
  - Please provide the full liable party name for companies, LLPs, charities, partnerships, and other non-natural persons.
  - Where the ratepayer is an individual/sole trader, please redact the proprietor's name and replace it with a neutral placeholder such as:- "REDACTED – sole trader".
2. **Relief indicators** (YES/NO for each):
  - Retail, Hospitality & Leisure Relief
  - Small Business Rates Relief
  - Supporting Small Business Rates Relief
3. **VOA-formatted address** as held in your billing records (including UARN/RRN if held).
4. **Annual charge / annual liability** for the current financial year (net of reliefs).

## Response

### Q1, 2 & 4

The information requested is considered exempt under section 41 of the Act. Section 41 applies to information provided in confidence.

This information is exempt under section 41 because we consider that the common law principle of taxpayer confidentiality applies.

Section 41, relates to information provided in confidence and states:

Information is exempt information if:

- a. it was obtained by the public authority from any other person (including another public authority), and
- b. the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

Section 41(1)(a) requires that the information in question was obtained from any other person. The information in question has been obtained by us from owners, ratepayers and third-party companies/agents; therefore, we consider this part of the exemption satisfied.

Section 41(1)(b) requires the disclosure by us to constitute an actionable breach of confidence. So, the information must have the necessary quality of confidence, and in our opinion it does.

It is recognised in English law that an important duty of confidentiality is owed to tax and rate payers. This is what is known as "taxpayer confidentiality". This is a long-established principle of common law, protecting taxpayers' affairs against disclosure to the public.

I am satisfied that the requested information is not trivial, nor is it available by any other means and if we were to disclose the requested information business ratepayers/their representatives could issue legal proceedings against us.

**The public interest test reasons for disclosure:**

Openness and transparency in relation to procedures and decision making of public authorities and collection of taxes and management of finances.

**Reasons against disclosure:**

Remain compliant with necessary regulations - the common law principle of tax-payer confidentiality applies to this data.

Protect the public purse from legal claims against it, in relation to providing confidential information.

The public interest defence (in any future legal proceedings) in providing the list of business rates information you have requested would likely fail. Thus, it is determined, any prospective court action against the council may succeed (opening it up to claims for costs). This is in accordance with "Westminster City Council v ICO and Gavin Chait, EA/2018/0033, 2<sup>nd</sup> December and Sheffield City Council v ICO and Gavin Chait, EA/2018/0055, 16<sup>th</sup> December.

Commercial impact on the business rates account holder. Release of this data would likely constitute a breach of confidence as it could damage the individual's/organisation's competitive position, or ability to compete, as disclosure would reveal information that would assist competitors and negatively impact on the confider's relationship with the authority, potentially hindering future investment in the borough.

We conclude that for the reasons stated above, the public interest test for withholding this data outweighs the interest for its release therefore this information is being withheld from disclosure.

Q3

Some of the information you have requested is considered exempt under Section 21 of the Act, which applies to information which is available to you by other means. This information can be obtained from the Valuation Office Agency's website - [www.voa.gov.uk](http://www.voa.gov.uk) and the governments website- [www.gov.uk](http://www.gov.uk)

As this information is reasonably accessible to you by other means, we are not obliged to provide this information to you under the Freedom of Information Act.