



Data Protection Officer
Freedom of Information
NW Leicestershire District Council
Whitwick Road
Coalville
Leicestershire
LE67 3FJ
Telephone: 01530 454763

Date: 17 June 2020

FREEDOM OF INFORMATION REQUEST 1188

I write further to your email dated 22 May 2020.

Your request has been dealt with under the terms of the Freedom of Information Act 2000 (FOIA), explained on our [freedom of information](#) page.

Your request:

I would like to obtain the HMO register for North West Leicestershire which contains the name and address of the homeowner, landlord or licensee. I have seen your register but it does not contain the licence holder and licence holder address.

Could you please let me know the process for obtaining the latest register with the name and address of the licence holder or landlord? May I also how frequent do you update the register?

I have spoken to the ICO (Information Commission Office) in depth regarding having access to the names and address of the landlords under the freedom of information act 2000 and they have confirmed that under Section 232 of the Housing Act 2004, this information is not private under the Data Protection Act. Please see link to the government legislation:
<http://www.legislation.gov.uk/ukpga/2004/34/notes/division/6/7/4>.

Our response:

I can confirm that North West Leicestershire District Council holds the information you have requested. Our register is updated continually as each case is added or updated.

The name of the licence holder is readily available on our public register under "Applicant". This information is, therefore, exempt from disclosure under section 21 of the FOIA. Information is available here: https://www.nwleics.gov.uk/pages/hmo_public_register

Regarding the license holders address and considering your reference to support from ICO, I have reviewed their guidance and also made contact with them. I have concluded that as license holder addresses are often personal addresses and as such constitute personal information. However, since there is no record of whether an address is personal or business, all will be treated as personal to prevent any breach of privacy. Therefore, this information you have requested is exempt from disclosure under section 40 of the FOIA.

Section 40 (2) of the Freedom of Information Act 2000 provides that personal data is exempt from disclosure if one of the conditions contained in section 40 (3) is satisfied. Section 40 (3A) (a) applies where disclosure of information would contravene data protection principles.

In this case, the requested information is exempt from disclosure as it constitutes personal data and therefore its release would breach the data protection principles of article 5 of the General Data Protection Regulations (GDPR).

The supply of information in response to a freedom of information request does not confer the right to re-use the information. UK copyright law allows information supplied for the purposes of private study and non-commercial research to be used without permission. Information supplied can also be re-used for the purposes of news reporting except for in the case of photographs.

GOING FORWARD

If you are dissatisfied with the information supplied please feel free to contact me on the number above for any queries in relation to this response. Please note that in responding to further enquiries I can only comment on the information contained within this correspondence and cannot provide any further information that may pertain to an additional FOIA request.

Please remember to quote the Authority's four digit reference number given at the top of this email in any future communications.

If you remain dissatisfied following the conclusion of the above informal review, you have the right to ask for an internal review. A request for a review whether formal or informal should be submitted within two calendar months of the date of receipt of the response to your original letter and should be sent to DPO@NWLeicestershire.gov.uk or the address above.

Further details on our appeals and complaints procedure can be found on our website [here](#).

If you remain dissatisfied following the conclusion of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at accessicoinformation@ico.org.uk.

Yours sincerely

Mackenzie Keatley
Information Governance Officer