

FOI DOF/2024-0283

Request

Can you please also send me a list of Empty Property applications / appeals that where upheld in the last 2 years.

DoF response

I can confirm the department holds the information requested however some information has been withheld as it falls within an exemption under the Freedom of Information Act, further details are provided below, .

The application details and addresses of the properties have been withheld as this is personal information and is exempt under Section 40(2) of the Freedom of Information Act. Such a disclosure would contravene the first principle of the Data Protection Act 2018, which requires that personal data must be processed lawfully, fairly and in a transparent manner. Disclosure would be unfair, because the owners would not expect that this information would be made available to others.

Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant and if disclosure of that information would contravene one of the data protection principles in the General Data Protection Regulations (GDPR) (or certain other provisions of the Data Protection Act 2018).

Having considered all the information contained within the Lawfulness, Fairness and Transparency Test (which we are providing as a separate attachment – Annex B), the department has established that, on balance, there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request of which the requester is not the data subject.

LPS however can advise that the total number of applications that were successful due to Occupation being prohibited by Law or Public Authority in the two years to April 2024 is 94.

The NI Valuation Tribunal handles appeals relating to Rating of Empty Home Exclusions. No Appeals have been listed in the NI Valuation Tribunal in the last 2 years in respect of Rating of Empty Homes Exclusions therefore the appeals information requested does not exist. The outcomes of appeals heard by the NI Valuation Tribunal can be found here:

<https://www.judiciaryni.uk/search?query=NIVT>

LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

Application of FOI exemption Section 40(2) and EIR exception 12(3) 13(1)

DOF/2024-0283

A Lawfulness, Fairness and Transparency Test must be carried out by the Department of Finance when considering disclosure of third-party personal data which falls within the scope of an FOI or EIR request.

FOI / EIR request

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Consideration of the personal data falling within the scope of the request

Guidance from the Information Commissioner's office states that personal data only includes information relating to natural persons who:

- can be identified or who are identifiable, directly from the information in question; or
- who can be indirectly identified from that information in combination with other information.

Description of personal data/issue(s) under consideration:

Address Data relating to Empty Homes.

Lawfulness

Do either of the two lawful basis below, which allow for the disclosure of personal data, apply? **No**

- Consent:** This applies when the data subject(s) clear consent exists, allowing the department to disclose personal data falling within the scope of this request.
- Legitimate interests:** This applies when disclosure is necessary for the department's legitimate interests or the legitimate interests of a third party that overrides the data subject(s) rights and freedoms, particularly their right to privacy.

Conclusion

Having considered all the information contained within the Lawfulness, Fairness and Transparency Test, the department has established that, on balance, there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request (of which the requester is not the data subject).