

Details of Request - FOI6129

I wish to make an application for the following information under the Freedom of Information Act

I would like to know how many public health funerals have been carried out by you local authority since June 2011.

I would like to know the deceased names (including maiden names), date of birth and death, last known address and when or if the estate will be passed onto the Treasury Solicitor, QLTR or the Duchy of Cornwall and Lancaster.

Details of Response - FOI6129

A total of 106 public health funerals have been carried out by our team since June 2011. Of this number only one has been identified for referral to the Treasury Solicitor. The referral was made on 01/09/2011.

However we are not prepared to release any detailed data about individual cases – neither names, date of birth or address details. Under FOI, the Authority has a right to refuse to release information held if an exemption applies. The Authority believes in this case such an exemption applies and has decided to refuse that part of your request for the following reasons:

Any release of information under FOI means that it is effectively put into the public domain and once released to one person it must be released to anybody else who requests it. The authority does not consider that it is appropriate to release the personal data of any citizens (whether they are living or dead) into the public arena in this way. Please note that FOI requires a public authority to consider the matter in an “applicant blind” manner and release to one applicant would make the data available for any subsequent requester.

Specific exemptions have been considered in relation to your request, particularly under section 41 of FOI which excludes the release of information if it was obtained from a public authority from any other person (including any other public authority) and the disclosure to the public (otherwise than through this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person. It is thought that the information concerned here does have the necessary degree of confidence.

Further section 44 of FOI exempts information from release if to do so would be incompatible with other legislation (in this particular instance the Human Rights Act 1998 article 8) which prohibits an authority acting in a way which would be incompatible with the rights of an individual.

Many recent FOI cases have on appeal dealt with the issue of confidentiality and rights of the deceased and they held that Human Rights and confidentiality do continue after the death of the data subject.