

## **Request Details - FOI5027**

I would be grateful if you could provide complete details of all council houses sold by Birmingham City Council and associated departments under the "Right to Buy" scheme since 1st January 2002, to date.

In regard to full details, I would request that you provide the full property address, including house number (or name), first line of address and the post code. To enable you to mitigate your own departmental costs, I would be grateful if you could reply via email.

## Response Details - FOI5027

Unfortunately we do not hold sales data completed up to 2004 as these would have been destroyed in line with our retention schedule, which required us to hold this information for 5 years.

We do hold information relating to sales from 2004, as our retention period was changed to 12 years from June 2004, however we are unable to disclose details (addresses or ownership details) of properties owned by individuals as this information is exempt for disclosure under Section 40 of the Freedom of Information Act - Personal Information., as such disclosure can be viewed as a breach of the Data Protection Act 1998.

### 40 Personal information

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if -

(a) it constitutes personal data which do not fall within subsection (1)

This approach is taken in accordance with the Information Commissioner's decision notice ref: - [bexley]

Whilst we are aware of decision notices relating to the disclosure of addresses of tenants, i.e. council properties, which make clear that the information is personal data, the information commissioner states that there is an expectation that such information, whilst being personal data, should be disclosed.

However, your request is not for information about council properties, but is seeking information about former council properties, i.e. properties owned by private individuals. Birmingham City Council considers that the owners of these properties will have a greater degree of expectation of privacy as opposed to council tenants. Accordingly, Birmingham City Council considers that the information requested is exempt from disclosure under s.40 of the Freedom of Information Act 2000.