

Nicola Hesketh  
Project and Information Coordinator

**Our Ref: FOI5518/NH/02**  
**Please ask for: Nicola Hesketh**  
**Direct dial: 01827 709266 / 01827 709587**  
**E-mail: [FOImailbox@tamworth.gov.uk](mailto:FOImailbox@tamworth.gov.uk)**

[Name Redacted]  
21st November 2018

Dear [Name Redacted]

### **Freedom of Information – Request for Information**

With regards to your recent enquiry for information held by the Authority under the provisions of the Freedom of Information Act, please find the information you requested below with reference in the box to your original enquiry for clarity where multiple answers are required.

#### **Details of Your Request**

1. *Please supply a copy of your council's procedure for dealing with unpaid council tax, including a timeline of when bailiffs are involved and bankruptcy charges filed.*
2. *For each of the past five financial years and the year to date to 15.10.2018, please provide:  
The number of individuals owing outstanding council tax in the following categories of arrears: £0-5k, £5k-10k, £10-15k, etc in 5k intervals up to £50k+?*
3. *Please state:*
  - a) *Total spend on bailiff recovery services*
  - b) *Total recovered council tax by bailiff providers in each of the last five financial years, and the current financial year to 15.10.18*
4. *Please provide a list of all bailiff companies used by your council during the period specified above.*
5. *Please state:*
  - a) *the number of individuals your council has brought bankruptcy charges against in each of the last five financial years, and the current financial year to 15.10.18.*
  - b) *Please state how many of these bankruptcy charges that were successful*
  - c) *Please provide a list of all administration companies used by your council for the specified period*
  - d) *Please state the total spend by your council on administration companies for the specified period.*
  - e) *Please state the total cost recovered following a successful bankruptcy charge.*

**The response to your request as follows:**

1. We follow the procedures laid down in legislation. The legislation is in Council Tax (Admin & Enforcement) Regs 1992 with details are available on-line at:  
<https://www.legislation.gov.uk/ukxi/1992/613/contents/made>
2. based on lead liable names:

Year	No. owing £0-£5k	No. owing £5-10k	No. owing £10-45k	No. owing £45-50k
2013/14	476	0	0	0
2014/15	612	0	0	0
2015/16	745	0	0	0
2016/17	923	0	0	0
2017/18	1,441	0	0	0
2018/19 (YTD)	28,531	1	0	1

3. £4.5k per annum  
3b

Year	Amount recovered by Enforcement Agents
2013/14	£406k
2014/15	£464k
2015/16	£456k
2016/17	£457k
2017/18	£503k
2018/19 (YTD)	£214k

4. Bristow & Sutor, Rossendales, Equita

5. (a & b)  
In accordance with the Freedom of information Act 2000, this response letter acts as a refusal notice.

We can confirm that we hold the information however we consider the information to be exempt from disclosure due to the amount of individual/s identified.

Sections 40(2) and 40(3A) (a) of the FOIA exempts the disclosure of personal information, data about a third party, where disclosure would breach one of the data protection principles.

The term “personal data” is defined in section 3(2) of the Data Protection Act 2018 (“the DPA”) as “any information relating to an identified or identifiable living individual (subject to section 3(14)(c))”. Section 3(3) of the DPA defines an “identifiable living individual” as “a living individual who can be identified, directly or indirectly, in particular by reference to (a) an identifier such as a name, an identification number, location data or an online identifier, or (b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.”

Under Section 40(3A)(a) of the FOIA, if disclosure of personal data would breach any of the data protection principles in Article 5(1) of the General Data Protection Regulation (“the GDPR”), then the personal data is exempt under FOIA.

The first data protection principle is that personal data must be processed lawfully, fairly and transparently. The lawfulness of the processing is to be determined by reference to Article 6(1) of the GDPR as processing is only lawful to the extent that:

- a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

The information requested in this part of your request is linked to individual/s and informs or influences actions or decisions which affect the individual/s. This is considered personal data if an individual can be identified from it or other information held by the data controller.

The identity of the individual/s could be established by cross referencing the information requested with or other online resources.

Disclosing information as part of a FOIA request is disclosure to the world and not just to the requester. It would not be within an individual's normal expectations to have their personal data disclosed to the world in this way. Disclosure is considered likely to breach data protection principles, would be unwarranted and unfair and would be likely to cause them distress. Furthermore, the consent has not been given. Therefore, we consider Section 40 FOIA engaged to this part of your request for information.

Further information on the Freedom of Information Act and Data Protection Act can be found on the ICO website at: <https://ico.org.uk/>

- c) Wilkin Chapman
- d) No information held
- e) Information not held at time of the request

### **IMPORTANT NOTICE ABOUT USE OF INFORMATION PROVIDED UNDER THE FREEDOM OF INFORMATION ACT (FoIA)**

Most of the information that we provide in response to Freedom of Information Act 2000 requests will be subject to copyright protection. In most cases the copyright will be owned by Tamworth Borough Council. The copyright in other information may be owned by another person or organisation, as indicated on the information itself.

You are free to use any information supplied for your own non-commercial research or private study purposes. The information may also be used for any other purpose allowed by a limitation or exception in copyright law, such as news reporting.

However, any other type of re-use, for example by publishing the information in analogue or digital form, including on the internet, will require the permission of the copyright owner. For information where the copyright is owned by Tamworth Borough Council details of the conditions on re-use can be provided on application to the contact below.

For information where the copyright is owned by another person or organisation you must apply to the copyright owner to obtain their permission.

This council also believes in transparency of information, this includes requests made under the Freedom of Information Act and the Environmental Information Regulations and we reserve the right to publish these requests in our Disclosure Log along with the response, the requestors name and/or company where the information is requested on a regular basis. Care shall be taken not to publish your email address or physical address where it is considered personal information as defined under the General Data Protection Regulation 2018.

Project and Information Coordinator,  
Tamworth Borough Council,  
Marmion House,  
Lichfield Street,  
Tamworth,  
B79 7BZ

Details of Tamworth Borough Council's internal review and complaints procedure are attached, in accordance with the provisions of the Act.

Yours Sincerely

Nicola Hesketh  
Project and Information Coordinator