



Response to Request for Information

Reference FOI 003585
Date 16 May 2019

Public Health Funerals

Request:

Please could you kindly send me any information you may hold relating to persons who are/were known to the Council **via any of the following teams** and who have died with:

**- no known next of kin (defined as blood relatives) OR
- where you have been unable to engage with or locate any KNOWN next of kin,**

Please provide details of cases that have occurred or come to your attention since 1/3/19 to the day of your reply.

The name of the team responsible varies but exists within all County Councils, London Boroughs, Unitary & Metropolitan District Councils.

Team names:

- Deputyship
- Appointeeship
- Adult social care
- Client Finance Team
- Protection of Property
- Financial Assessment
- Other team name whereby Council official(s) were charged with handling the financial affairs of the (now deceased) person

Please provide as much of the following information as you can:

1. full names of deceased persons,
2. dates of death,
3. marital status,
4. maiden surnames of married or widowed females,
5. dates of birth or ages at death,
6. last known addresses,
7. estimated value of estates,
8. date(s) when the information was passed (or information that is about to be or likely to be passed) to the Government Legal Department (formerly Treasury Solicitor) or the Duchy of Lancaster or Cornwall **or any**

other 3rd party, or, confirmation that this will not be happening and the reason why.

In response to your request, please find our response below:

- (1) Landon Stuart Perry
- (2) DOD – 03/05/2019
- (3) Single
- (4) N/A
- (5) 29/10/1937
- (6) Exemption*
- (7) Exemption requested (see suggested reason below)*
- (8) Information not yet passed on but there was a Media release – 15/05/19

*In response to question 6 above, the Council will not be disclosing the requested information.

The Council is of the view that this would constitute information whose disclosure to the wider world would raise concerns around the prevention or detection of crime and that Section 31(1)(a) of the Freedom of Information Act 2000 (FOI, The Act) is engaged.

Section 31(1) states that:

“Information which is not exempt information by virtue of Section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

(a) the prevention or detection of crime...”

In considering the public interest for and against disclosure in this case, the Council has considered the public interest in disclosing the last known address of the identified deceased people could aid the resolution of any estate-related queries.

Set against this however, the Council has also considered that disclosure to the wider world (which is how any disclosure made under the provisions of the Act must be judged) may cause harm such as fraud, identity theft, criminal acts and criminal trespass and damage to vacant residential property especially when this information is put together with information that is already in the public domain.

In reaching this conclusion, the Council has taken account of guidance from the Information Commissioners Office and further considers that its approach is in accordance with the decisions reached by the Information Commissioners Office, published in decision notices FS50454267 regarding Westminster City Council – 4 December 2012 and also the decision in relation to Birmingham City Council FS50584670 – 14 October 2015.

In both cases the ICO accepted the arguments put forward by the public authorities in question regarding the application of Section 31 as detailed above.

The Council has also considered the case involving London Borough of Camden versus Mr Yiannis Voyias heard at the Information Tribunal on 22 January 2013 (EA/2011/0007).

In this case the Tribunal accepted the risk attendant in disclosing details regarding vacant properties to the wider world.

Also in response to question 7, revealing details of the assets of an estate before the Treasury Solicitor has undertaken their own enquiries would provide an opportunity for criminal acts to be committed (for example, theft or fraud). Similarly, there would be concerns about making the last known address of the deceased public, as the property is likely to be unoccupied and might still contain the deceased's personal papers and effects. There's also a continuing risk after the estate has been secured of, for example, identity theft. Taking into account the above issues, we consider that there is no overriding public interest in releasing the information requested. Any public interest would be best served by upholding the exemption under section 31 of the act as disclosure of the information would be likely to prejudice the prevention of crime by enabling or encouraging the commission of offences.

Appointeeships have no new cases since 1/3/2019.