



11 April 2025

## Request

As your Parish owns, holds and Processes the Rates List for your parish in your duties under the Rates (Jersey) Law 2005 and the underlying data please can you provide to me a list of properties in the 2024 version of your Parish Rate List that have the below attributes recorded on the electronic Rates data base.

The scope of the response should include the extent of information for each property as published in the public version of the Rates list.

Attributes search criteria: All properties that are detached AND have:

- Three bedrooms;
- Three bathrooms or shower rooms;
- At least one toilet;
- A combined lounge diner kitchen;
- At least one other room;
- A Double garage, and;
- A sea or country view.

As the requested data is no wider than that already published the response cannot be considered exempt under Article 25 of the Freedom of Information Law.

As the full published rates list does not provide information about the attributes of a property the response cannot be considered as exempt under Article 23 of the Freedom of Information Law (data available elsewhere).

I am sufficiently aware of the workings of the electronic database holding this information to the extent that loading of the search criteria and running a report takes no more than a few minutes.

As the data is intended to be used in connection with the 2025 draft rates notices, which are due to be released on or about 22nd April 2025, I look forward to receiving the information within your guidelines of 20 working days. This makes this request time critical.

## Response

Each Parish maintains a Rates List for the Parish in accordance with the Rates (Jersey) Law 2005. The Rates List contains in respect of each area of land in the Parish that is separately owned or occupied and is liable to rates –

- (a) details of the land sufficient to identify it and its boundaries;
- (b) the rateable value of the land as assessed by the Assessment Committee and expressed in rateable quarters;
- (c) an indication whether the land has been assessed as being used for domestic purposes or non-domestic purposes

The request asks for a list of addresses, with rateable values, where the attributes match the specified search criteria.

Whilst the property attributes on their own would not be considered personal data, when combined with other identifiers such as an address, this means it could identify an individual/individuals, thus in turn making it personal data.

Personal data is absolutely exempt under the FOI Law under Article 25 –

#### **Article 25 - Personal Information**

- (1) Information is absolutely exempt information if it constitutes personal data of which the applicant is the data subject as defined in the Data Protection (Jersey) Law 2005.
- (2) Information is absolutely exempt information if –
  - (a) it constitutes personal data of which the applicant is not the data subject as defined in the Data Protection (Jersey) Law 2018; and
  - (b) its supply to a member of the public would contravene any of the data protection principles, as defined in that Law.
- (3) In determining for the purposes of this Article whether the lawfulness principle in Article 8(1)(a) of the Data Protection (Jersey) Law 2018 would be contravened by the disclosure of information, paragraph 5(1) of Schedule 2 to that Law (legitimate interests) is to be read as if sub-paragraph (b) (which disapplies the provision where the controller is a public authority) were omitted.

The fact that information constitutes the personal data of identifiable living individuals does not automatically exclude it from disclosure under the Law. The second element of the test is to determine whether disclosure would contravene any of the principles set out at Article 8 of the DPJL 2018.

#### **8 Data protection principles**

- (1) A controller must ensure that the processing of personal data in relation to which the controller is the controller complies with the data protection principles, namely that data are –
  - (a) processed lawfully, fairly and in a transparent manner in relation to the data (“lawfulness, fairness and transparency”);

Schedule 2 of the DPJL 2018 as modified by Article 25(3) of the FOI Law says -

#### **5 Legitimate interests**

- (1) The processing is necessary for the purposes of legitimate interests pursued by the controller or by the third party or parties to whom the data are disclosed, unless –
  - (a) the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject, in particular where the subject is a child;

In considering whether disclosure of the withheld information would contravene the lawfulness, fairness and transparency principle in Article 8 of the DPJL, the Parishes have considered the reasonable expectations of the individuals in terms of what would happen to their personal data. The Annual Return, by which data has been collected, informs individuals about the transfer of data to third parties - it says:

The approved Rates List for the year contains each property address and rateable value and is, by law, available for inspection by the public at the Parish Hall and at Jersey Library.

Attributes data is not included in the Rates List. The individuals concerned have a reasonable expectation of privacy in line with their rights at Article 8 of the European Convention on Human Rights.

Where an individual seeks to identify comparable property for the purposes of a review of a rateable value of their property, a Parish may assist by providing a range of examples - as opposed to all properties with the attributes - subject to the requirement (as per the DP privacy banner) that the information should only be used for the purpose of requesting a review (or subsequent appeal).

In summary, the information requested is exempt under -

- Article 25(1) - as the data may relate to a property/ies of which the applicant is the data subject as defined in the Data Protection (Jersey) Law 2005, or
- Article 25(2) - as the data relates to properties of which the applicant is not the data subject as defined in the Data Protection (Jersey) Law 2018; and its supply to a member of the public would contravene any of the data protection principles, as defined in that Law.

