

**FOI DOF/2024-0422**

**Request**

1. I request a list of all the properties sold in the streets comprising Stranmillis and Sandymount HMO Policy Areas, pre 5th January 2005, that LPS used to construct the Tone of the List for Stranmillis Letting Area, in 2005 and 2007.

Please provide

- a) The address of each property used by LPS for determining the Stranmillis Tone of the List,
- b) The date of the Sale of each property that was used by LPS For the above purposes,
- c) The amount each property was sold for,
- d) Whether the properties had extensions already built at the time of Valuations in 2005 and 2007.
- e) For 37 and 54 Sandymount St

Please provide the address of the properties sold in Stranmillis that LPS used to calculate the Valuation of both the above properties, 37 and 54 Sandymount St.

- f) Please state whether the properties used by LPS to determine the Valuation of 37 and 54 Sandymount St were sold as a single unit, or separately, (as a 2 bed Apt and 4 bed Apt sold separately).
- g) Please provide any evidence held by LPS from the Stranmillis Tone of the List properties, of examples like 37 and 54 Sandymount St where one of the units was sold separately, from 1990 to 2024.
- h) Please provide under FOI a list of all Resale dates and Sale prices for 35 Sandymount St and 54 Sandymount St from 1990 until September 2024.
- i) Please state the exact RICS Valuations Standards for Valuations of HMO properties also incorporating a 2 bed Apt, or variations of the above, that LPS have used in classification and Valuation of 37 and 54 Sandymount St, and other similar properties in Stranmillis Letting Area.

2. What is the legal basis upon which \*\*\*\*\* LPS staff used to exempt the great majority of Stranmillis Letting Area properties with 2 and 3 storey extensions, from having the extensions included in the LPS Valuations and Area of the properties?

3. How many properties in total in Stranmillis and Sandymount HMO Policy Areas have LPS refused to include the extensions built, in their Valuations and Areas figures.

4. Question part withheld under Section 40(2).

Please name all LPS staff that were involved in the 2005 and 2007 Valuations?

### **DoF response**

I can confirm the department holds some of information relevant to your request.

1 (a) – (g) LPS does not hold this information.

1 (h) - This information is withheld under Section 21 of the Freedom of Information Act 2000 (accessible to the applicant by other means). Information on sales of individual property is available to purchase from Land Registry copy documents team. These can be requested by phoning the Land Registration Helpline on 0300 200 7803. Alternatively, you can email [CustomerInformation.LandRegistration@finance-ni.gov.uk](mailto:CustomerInformation.LandRegistration@finance-ni.gov.uk) or attend in person at Lanyon Plaza, 7 Lanyon Place, Town Parks, Belfast, BT1 3LP between 9.30am and 4pm on any weekday.

1 (i) – Valuations for rating purposes are statutory valuations and are not subject to RICS Global Valuation Standards.

2. – The District Valuer is required to maintain the Valuation List. This involves acting on notifications when advised that physical alterations have taken place at a property.

3. Please see 2 above.

4. The question relating to LPS staff and associated matters have been withheld Under Section 40(2) of the Freedom of Information Act 2000.

Staff names have also been withheld Under Section 40(2) of the Freedom of Information Act 2000.

Individuals' names are withheld (and redacted above) as this information is exempt under Section 40(2) of the Freedom of Information Act because such disclosure would contravene the first principle of the Data Protection Act 2018, which requires that personal data must be processed lawfully, fairly and in a transparent manner. Disclosure would be unfair, because the sole trader would not expect that this information would be made available to others.

Section 40(2) exempts personal information from disclosure if that information relates to someone other than the applicant and if disclosure of that information would contravene one of the data protection principles in the General Data Protection Regulations (GDPR) (or certain other provisions of the Data Protection Act 2018).

Having considered all the information contained within the Lawfulness, Fairness and Transparency Test (which we are providing as a separate attachment – Annex B), the department has established that, on balance, there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request of which the requester is not the data subject.

# LAWFULNESS, FAIRNESS AND TRANSPARENCY TEST

## Application of FOI exemption Section 40(2)

**DOF/2024-0422**

A Lawfulness, Fairness and Transparency Test must be carried out by the Department of Finance when considering disclosure of third-party personal data which falls within the scope of an FOI or EIR request.

### FOI / EIR request

Please name all LPS staff that were involved in the 2005 and 2007 Valuations?

### Consideration of the personal data falling within the scope of the request

Guidance from the Information Commissioner's office states that personal data only includes information relating to natural persons who:

- can be identified or who are identifiable, directly from the information in question; or
- who can be indirectly identified from that information in combination with other information.

### Description of personal data/issue(s) under consideration:

LPS staff names & the question relating to LPS staff and associated matters.

### Lawfulness

Do either of the two lawful basis below, which allow for the disclosure of personal data, apply? **No**

- ☐ **Consent:** This applies when the data subject(s) clear consent exists, allowing the department to disclose personal data falling within the scope of this request.
- ☐ **Legitimate interests:** This applies when disclosure is necessary for the department's legitimate interests or the legitimate interests of a third party that overrides the data subject(s) rights and freedoms, particularly their right to privacy.

### Conclusion

Having considered all the information contained within the Lawfulness, Fairness and Transparency Test, the department has established that, on balance, there is no lawful basis for the disclosure of third-party personal data falling within the scope of the request (of which the requester is not the data subject).