

FOI DOF/2024-0149

Request

Please supply all data or information of any kind relating to the Victoria square apartments and or the Victoria square shopping complex regarding the situation of any concerns for the safety of the building.

This should include, inspections by Land and Property Services, notes by LPS and when they were accompanying inspections by others.

DoF response

I can confirm the department holds some information relevant to your request, relating to the Victoria square apartments, however some personal information (third party names) contained within Annexes B, C, D, E and F has been withheld under section 40(2). 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 individuals 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 G**), 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.

There is no information held by LPS relating to the safety of the building concerning the Victoria Square shopping complex and there have not been any valuation cases raised or inspections carried out.

LPS Valuers did not attend any meetings with the Management Company or Structural Engineers. Other information in respect of inspection dates, and when LPS valuers were accompanied are contained in the documents attached in Annexes.

Valuation information

Annex B - Sixteen individual applications to the District Valuer were received between 2019 and 2023 from ratepayers, challenging the rateable capital value of their property relating to questions of structural integrity in the Victoria Square Residential Apartment complex. A “class application” on all 91 apartments was received in April 2023 by solicitors acting on behalf of the residential management company requesting the “de-valuation” of the properties for the period from 1 April 2019.

Annex C - These are the comments from reports prepared for the District Valuer which consider the structural issues. Apart from the slight variations evident, all 91 cases were identical and so a single collated copy of report comments has been provided here.

The outcome of these cases was “No change to the Capital Value”, which resulted in four being appealed to the Commissioner of Valuation (CoV).

Annexes D, E, and F - contain the reports considering the four appeals arising out of the District Valuer cases. The report at **Annex D** considers 2 of the appeals together.

The outcome of the 4 appeal cases was “No change to the Capital Value”. Arising out of these four appeals, two were further appealed to the Northern Ireland Valuation Tribunal (NIVT).

Rating information

Rating database information is withheld under Section 40(2) of the Freedom of Information Act 2000 as it is third party personal information, relating to the ratepayers. See above, having considered all the information contained within the Lawfulness, Fairness and Transparency Test (**Annex G**), 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.