



**SCOTTISH EXECUTIVE**

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Our ref:

18<sup>th</sup> July 2002

## **SECONDARY USE OF NON-PERSONAL COUNCIL TAX INFORMATION**

I attach a short consultation paper setting out our proposals and inviting your views.

If you have any questions about the background to the Scottish Neighbourhood Statistics Project please contact Duncan Gray, ☎ 0131-244 7031. Any general question should be directed to Ian Duncan, ☎ 0131-244 7025.

Views should be submitted by 11<sup>th</sup> October 2002. Your responses can be sent either by e-mail or by post. Postal comments should be returned to: Mrs W Smart, FCSD:LGF&P:3 Area 3-J, Victoria Quay, Edinburgh, EH6 6QQ. Electronic comments can be sent via e-mail to: [neighbourhoodstatistics.project@scotland.gsi.gov.uk](mailto:neighbourhoodstatistics.project@scotland.gsi.gov.uk).

Yours faithfully

Ian D Duncan



*Secondary Use of Non-Personal Council Tax Information:  
A consultation paper*

**INTRODUCTION**

This paper seeks your views on the introduction of regulations to allow local authorities to supply non-personal information collected through the administration of council tax to other bodies for research purposes.

These regulations are required to allow councils to supply the Scottish Executive with data for use in the production of household estimates for small areas; a key output of the Scottish Neighbourhood Statistics Project.

The paper seeks responses on the proposed regulations. In particular, the regulations must prescribe a fee tariff and views are invited on what form such a prescribed fee might take.

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## **PROPOSED REGULATIONS ON THE SECONDARY USE OF COUNCIL TAX INFORMATION**

### **THE NEED FOR THE REGULATIONS**

1. This was identified through the work of the Neighbourhood Statistics<sup>1</sup> Housing Working Group. Within its responsibilities the working group was asked to consider ways of compiling reliable up-to-date estimates of the number of households within neighbourhoods. The information which councils gather about occupied and vacant houses as part of the process of administering council tax billing and collection was identified as the best potential source of information on occupied and vacant dwellings from which household estimates can be made.
2. The Local Government Finance Act 1992 gives local authorities the power to gather information for administering the council tax. It does not, however, explicitly give councils the power to provide the information to any other body for non council tax purposes. However, Paragraph 17 of Schedule 2 of the Act does make provision for regulations to be made to permit councils to supply information which is not personal information for non council tax purposes.
3. In addition to its planned use in compiling neighbourhood level household estimates, non-personal information from council tax billing systems also has potential value for a range of research and analysis purposes. For example, small area information on trends in numbers of occupied and vacant houses can provide valuable information about changes in demand to support the development and monitoring of housing strategies. This paper discusses how the proposed regulations might be framed to ensure that councils can get the greatest benefit from the use of the information for research and analysis.

### **NON-PERSONAL INFORMATION**

4. The regulation will permit councils to supply only information which is not personal information. Non-personal information is information which cannot be attributed to any identifiable individuals either living or dead. In particular councils will have to ensure that any information supplied does not identify specific names or addresses.

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<sup>1</sup> Annex 1 provides a little more background to the Neighbourhood Statistics project. More detail on the project can be found on the Scottish Executive website at <http://www.scotland.gov.uk/stats/neighbours/tables/neighbours.asp>

## ISSUES TO BE CONSIDERED

### Local Government Finance Act (1992)

5. Paragraph 17 of Schedule 2 of the Local Government Finance Act 1992 provides for regulations to be made on the supply of information by authorities as follows:-

17. - (1) Regulations under this Schedule may include provision that any authority –  
(a) may supply relevant information to any person who requests it for a purpose not relating to Para I or II of the Act, and  
(b) may charge a prescribed fee for supplying the information.

(2) For the purposes of sub-paragraph (1) above information is relevant information if –  
(a) it was obtained by the authority for the purposes of carrying out its functions under Part I or II of this Act; and  
(b) it is not personal information.

(3) For the purposes of sub-paragraph (2) above personal information is information which relates to an individual (living or dead) who can be identified from that information or from that and other information supplied to any person by the authority; and personal information includes any expression of opinion about the individual and any indications of the intentions of any person in respect of the individual.

6. In framing regulations under these provisions we need to consider:-

- a) 'the person' to whom relevant information may be supplied
- b) the purpose for which the information is requested
- b) the inclusion of a prescribed fee

### **The person to whom relevant non-personal information may be supplied**

7. Our primary purpose is to permit councils to supply information from their council tax systems to the Scottish Executive to allow the compilation of household estimates. However, the regulations will, in broad terms, give councils the discretion to supply relevant non-personal information to any person who requests it.

## **Fees and charges**

8. The Act states that the regulations may include a provision that an authority may charge a prescribed fee for supplying the information.

- the basis of the calculation of the fee must be specified in the legislation.
- the decision on whether or not to charge that fee is within the discretion of the council.

9. The regulations must also prescribe the tariff. We propose that the tariff has fixed and variable elements. Information will be supplied from electronic systems. Because processing will be required to ensure that information supplied does not relate to identifiable individuals, the fixed element should cover a significant part of any prescribed fee. Our initial view is that the fee should be £100 plus 1p per record. We would welcome views on the structure and scale of a prescribed fee.

## **CONCLUSION**

10. Responses to this consultation on the proposed regulations are invited by 11<sup>th</sup> October. Please respond to the address given in the covering letter, and indicate whether you would not wish your response to be published on the Scottish Executive website.

11. Annex 2 gives answers to some questions which you may have about the scope and purpose of the proposed regulations. If you have any questions about the background to the Scottish Neighbourhood Statistics Project please contact Duncan Gray, ☎ 0131-244 7031. Any general question should be directed to Ian Duncan, ☎ 0131-244 7025. Annex 3 gives a list of organisation to whom we have sent this consultation paper. If there are other bodies whom you feel we should contact, let us know.

12. In addition to any general comments which you have on the proposed regulations, specific questions on which views are sought are:-

- Should the regulations permit councils to supply relevant non-personal information to any person who requests it?
- What should be the basis of the fee?

The Scottish Executive  
July 2002

**Background to the Scottish Neighbourhood Statistics Project**

1. The Scottish Neighbourhood Statistics Project is a major initiative funded by the Scottish Executive (budget £7m) to improve the production, dissemination and use of data at a local level. This reflects the need for good quality neighbourhood level data across a range of social and economic areas to support planning, prioritising and monitoring of area based initiatives to address poverty and exclusion.
2. The Scottish Neighbourhood Statistics project involves the collation of data on a wide range of topics including access to services, crime, economic activity, education, health, housing, income, physical environment. The data once available will support the development of local housing strategies, homelessness strategies, community plans, supporting people planning and inform SIP monitoring.
3. Housing related neighbourhood statistics are being developed through a joint working group - the Neighbourhood Statistics Housing Working Group. This group has representation from Scottish Executive, Communities Scotland, Chartered Institute of Housing, and Councils' Housing and Planning functions, and the academic community.
4. This group has prepared a strategy to develop small area statistical information requirements in relation to households and housing over the next two years. The outputs from the working group will be available via the Scottish Executive website. This will contain sets of statistics or indicators for a range of geographic areas (including local authorities, wards, Social Inclusion Partnerships and postcode sectors). The system will include background to the data sources, guidance on its derivation, commentary on data quality and on its appropriate use. Where appropriate, illustrations of business benefits will be provided along with examples of good practice. These will be developed alongside the data sources and will draw on expertise and knowledge of data suppliers.

**Answers to some basic questions on the proposed Regulations**

**Q. Will Councils be permitted to supply personal information?**

**A. No.** Councils will only be permitted to supply **non-personal** information. Any data supplied under the regulations must not include information which can be attributed to an identifiable individual. One way of ensuring this is for any area identifier to cover a reasonable number of dwellings. Such suitably anonymised data might include:

- The council tax band.
- Whether a dwelling is occupied or not.
- Whether a dwelling is eligible for a discount or not.
- Whether a dwelling is exempt or not.
- The council tax bill.

**Q. Will the proposed regulations permit councils to match individuals' council tax records with other information held by the council?**

**A. No,** for two reasons:

- (i) The regulations do not permit personal information to be provided; and the regulations relate solely to the provision of information to bodies other than the local authority itself; and
- (ii) A clear statement of the uses which councils can make of personal council tax information is set out in guidance by the Data Protection Registrar at: <http://www.dataprotection.gov.uk/dpr/dpdoc.nsf>.

**Q. Will the proposed regulations permit councils to provide other bodies – such as credit reference agencies – with information about individuals' council tax payment records?**

**A. No.** The regulations will not allow personal information to be provided.

**Q. Will the proposed regulations permit councils to provide other bodies with lists of names and addresses?**

**A. No.** The regulations will not allow personal information to be provided.

**Q. Will the proposed regulations permit councils to provide other bodies with information about specific, identified addresses?**

**A. No.** Information about specific addresses would, in some circumstances be information about an individual who can be identified from that information.

**Q. Will the proposed regulations restrict the uses for which councils can supply the information or the individuals to whom it can be supplied?**

**A. No.** Councils will have the discretion to supply such non-personal information on a case by case basis. This discretion will be of value to councils in sharing information and intelligence with community partners about trends in housing and households in specific areas.

**Q. Can the regulations be framed to allow councils to negotiate a fee for providing information rather than charging a prescribed fee?**

**A. No.** The Act provides only for a prescribed fee to be charged.

**Q. Will the regulations require councils to charge a prescribed fee for supplying the information?**

**A. No.** The proposed regulations will state that councils **may** charge a prescribed fee.

**CONSULTEES**

Accounts Commission  
Action of Churches Together in Scotland  
Audit Scotland  
Central Research Unit - The Scottish Executive  
Chartered Institute of Public Finance and Accountancy  
Chief Executives - Scottish Local Authorities  
Communities Scotland  
Convention of Scottish Local Authorities  
Crofters Commission  
Data Protection Registrar  
Department for Work and Pensions  
Directors of Finance - Scottish Local Authorities  
Glasgow Bar Association  
Heads of Revenue - Scottish Local Authorities  
Highland and Islands Enterprise  
Institute of Revenues Rating and Valuation  
Local Government Association  
Members of the Scottish Parliament  
Office of the Deputy Prime Minister  
Royal Institute of Chartered Surveyors  
Royal Statistical Society  
Scottish Assessors Association  
Scottish Association of Citizens Advice Bureaux  
Scottish Campaign for Homeless People (SHELTER)  
Scottish Consumer Council  
Scottish Council for Single Homeless  
Scottish Council for Voluntary Organisations  
Scottish Federation of Housing Associations  
Scottish Home Builders Association  
Scottish Law Commission  
Social Disadvantage Research Group  
The Local Government Ombudsman  
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