CITY OF WOLVERHAMPTON COUNCIL

Response to Request for Information

Reference FOI 001208
Date 8 June 2017

Public Health Act Funerals

Request:

1. Has the Council conducted any 'Public Health Act Funerals since 13/4/17 to the present (the day you respond to this request)?
   Yes.

2. If the answer to this question is yes, please disclose:

   a) The full names of the deceased
   Please see table provided on page 3.

   b) The date of birth of the deceased
   Please see table provided on page 3.

   c) The date of death of the deceased
   Please see table provided on page 3.

   d) The last known address of the deceased
   In response to question d) 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.

e) Whether the details of the deceased, have been/will be or are likely to be referred to the Government Legal Department (if you are not sure then can you just answer that field ‘unsure, or unknown’ or words to that effect).
No

3. Have there been any similar FOI requests as this within the time scale outlined in question 1?
No

4. Has the Council given this information away to any other individual or organisation outside the parameters of FOI (other than the Government Legal Department or internally) within the time scale outlined in question 1?
No

Full Name of Deceased	Date of Birth of Deceased	Date of Death of Deceased
Meg Willis	21/05/1931	23/03/2017
Terence Brian Stanton	31/10/1938	17/03/2017
James Jerry McKee	30/12/1941	14/03/2017
Jerzy Edmund Miniach	16/11/1953	30/03/2017
Sadie Lilian Williams	13/01/1937	09/04/2017
Steven Earl Williams	16/03/1963	24/03/2017