



Information Governance Team

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Dear Sir/Madam.

**Freedom of Information Act 2000 (FOIA)
Request ID: REQ07697**

Thank you for your request for information relating to Unique Property Reference Number and Billing Authority Property Reference Code.

You have requested the following information:

In accordance with the Freedom of Information Act 2000, please would you provide me with a dataset comprising the UPRN (Unique Property Reference Number) and the BA Reference (Billing Authority Property Reference Code)* relating to all business premises which are currently identified in your local authority's area for rating purposes. As I understand the UPRN is a key component of your Local Land and Property Gazetteer.

The Council confirms that it holds this information but that it is exempt from disclosure under section 43(2) of the Freedom of Information Act 2000.

Section 43(2) – prejudice to commercial interests

We have considered whether the release of the requested information would, or would be likely to, prejudice the commercial interests of GeoPlace and also of Ordnance Survey.

By way of background, Ordnance Survey is a wholly owned Government company, whose objectives include "to operate on a commercial, self-financing basis", and "to generate profitable revenue" (see Ordnance Survey's Shareholder Framework Document here

– <https://www.ordnancesurvey.co.uk/documents/legal/os-shareholder-framework-document.pdf>).

GeoSpace is a joint venture between the Local Government Association and Ordnance Survey that collects the data needed to create a single, definitive address database. By way of contract on commercial terms, the Council provide required information and GeoPlace maintain the Local Land and Property Gazetteer which is the central corporate database for all addressing used in a local authority.

As further background, you may be aware that as part of the project known as Open MasterMap, Ordnance Survey recently made available a range of its data under open or permissive terms; further information can be found here <https://www.ordnancesurvey.co.uk/business-government/tools-support/open-mastermap-programme>. The delivery of Open MasterMap is one of Ordnance Survey's obligations under the Public Sector Geospatial Agreement (**PSGA**), which was entered into by Ordnance Survey and the Geospatial Commission, as of 1 April 2020. A great deal of analysis and consultation, by both Ordnance Survey and the Geospatial Commission, went into determining which data should be made available as part of this project. At the same time as making this data available on open or permissive terms, the PSGA also requires Ordnance Survey to continue to make its premium data available under its standard commercial licensing model.

In relation to UPRNs specifically, please note that Ordnance Survey has published a list of all UPRNs with their x,y coordinates: <https://www.ordnancesurvey.co.uk/business-government/products/open-uprn>. In addition, Ordnance Survey published its new Open ID policy to enable and encourage the use of Ordnance Survey's identifiers (the TOID, the UPRN and the USRN) to join datasets and combine the value of Ordnance Survey data with the user's own data: <https://www.ordnancesurvey.co.uk/business-government/tools-support/open-mastermap-programme/open-id-policy>.

In determining section 2 of its new Open ID policy (section 2 relating to the use of Ordnance Survey premium data), Ordnance Survey needed to be careful to strike the right balance between making data available to fulfil the objectives of Open MasterMap, whilst at the same time preserving the value of its premium data, including the AddressBase products. In consequence, you will see that section 2 of the Open ID policy is only available to public sector customers, and to customers who have a licence for internal business use; it is not available to others, for example, those who license Ordnance Survey data for trial and evaluation purposes.

For the purposes of these particular FOI requests, another key limitation in section 2 of the Open ID policy is that the UPRN (and other identifiers) can only be matched to an end user's database (note that, here, end user means the local authority) using an attribute from the OS Open ID Green List. For example, the Green List would permit the matching of an end user's address with the corresponding address in one of the AddressBase products to enable the end user to link its address to the relevant UPRN and x,y coordinate from AddressBase. In contrast, the Green List would not permit an end user to match its addresses using the business classification attribute from AddressBase, as the business classification attribute is not on the Green List.

In relation to this FOI request, a local authority would be entitled to match UPRNs to its own database of BA numbers, using the address string to carry out the matching. On the assumption that the local authority (i) owns the intellectual property in (or has a licence allowing it to disclose) the BA numbers, and (ii) is able to separate those BA numbers which relate to business premises from those that relate to residential premises *without using OS's AddressBase data*, then neither GeoPlace nor Ordnance Survey would object to the local authority disclosing the requested information.

However, if the local authority is unable to separate out business BA numbers from residential BA numbers without using AddressBase, then whilst it is of course entitled to do this for its Core Business use under the PSGA Member Licence, it would not be permitted to disclose the resulting list of UPRNs for business premises together with their associated BA numbers. For the avoidance of doubt, the Council confirm that this is its position in response to this FOI request.

Only being able to separate out business BA numbers from residential BA numbers without using AddressBase preserves the value in AddressBase. In other words, the reason for the Green List existing is precisely to avoid providing a mechanism by which somebody could create an address string comprising, for example, address, x,y coordinate, UPRN, and business/residential classification, which they could license on the terms of the Open Government Licence; if this were permitted, it would give away the value of premium attribution associated with UPRNs/addresses.

Therefore, save in the situation specified above where the local authority has the relevant rights in the BA numbers and can separate out the business BA numbers from the residential ones without using Ordnance Survey's premium data, it therefore is the Council's view that the disclosure of the requested information would prejudice Ordnance Survey's commercial interests for the reasons explained. Such disclosure would also prejudice GeoPlace's commercial interests, as GeoPlace's revenue depends in part on the revenue received by Ordnance Survey for the licensing of AddressBase. The loss of this commercial revenue would also increase the cost of the PSGA to the Geospatial Commission. We confirm that GeoPlace have been consulted in respect of this FOIA request, the same wording of which has been sent to a number of Councils.

The Council's commercial interests are highly likely to also be affected in the event of disclosure as such disclosure could lead to a lack of confidence / trust with the Council and put off companies from engaging in business with us.

Even though any disclosed information would only be provided subject to copyright and database right, and so could only be used for limited purposes, and could not, for example, legitimately be made available to others, GeoPlace would need to make the same information available to others who request it under the FOIA. In other words an FOIA disclosure is a disclosure to the world at large. In our view, this would lead to a significant risk of copyright and/or database right infringement; in addition to a loss of commercial revenue, there would be a significant cost in both monitoring the use of the data and enforcing the intellectual property rights of GeoPlace, Ordnance Survey and the Crown.

Public interest test

Section 43(2) is a qualified exemption, and therefore local authorities wishing to rely on this exemption need to carry out a public interest test.

Part 1 – Arguments in Favour of Disclosure

1. Transparency in respect of information held by the Council.

Part 2 – Arguments Against Disclosure

1. It is our view that the disclosure would cause prejudice to the commercial interests of Ordnance Survey and GeoPlace, for the reasons set out above. In terms of the severity of the impact, we believe that the release of the requested information would have a significant adverse effect on Ordnance Survey's (and GeoPlace's)

commercial revenue, and Ordnance Survey's ability to protect and license Crown copyright and database right.

2. In terms of public interest in the requested data, we note that similar information (business classification together with associated UPRN) can already be accessed by those with an interest in this data, under Ordnance Survey's commercial terms. As part of the Open MasterMap project, the Geospatial Commission, working with Ordnance Survey, GeoPlace, and others in the market, determined which data should be released on open or more permissive terms, to maximise the benefit of the project, and this data did not include business classifications.
3. There is a public interest in allowing public authorities to withhold information which if disclosed, would impede contractors' ability to compete in a commercial environment. GeoPlace operate in a competitive market. If prejudicing the commercial interests of GeoPlace would distort competition in that market, this in itself would not be in the public interest
4. There is a public interest in protecting the commercial interests of individual companies and ensuring they are able to compete fairly: "If the commercial secrets of one of the players in the market were revealed then its competitive position would be eroded and the whole market would be less competitive with the result that the public benefit of having an efficient competitive market would be to some extent eroded" (taken from the decision of the (then) Information Tribunal in *Visser v ICO EA/2011/0188* at paragraph 20).
5. Disclosure of commercially sensitive information may cause unwarranted reputational damage or loss of confidence in the Council.

The Balancing Exercise

Having taken into account the arguments for and against disclosure, the Council has decided that the public interest in this case is best served by maintaining the exemption under section 43(2) FOIA and by not disclosing the information requested.

The Council considers that the possible benefits of disclosure are outweighed by the real risk of causing prejudice to the commercial interests of those companies mentioned. In this case there is an overriding public interest in ensuring that companies are able to operate fairly. It is more probable than not that disclosure would prejudice both GeoPlace's and the Council's commercial interests.

Due to the ongoing commercial sensitivity of the content in the Private Report, the Council is unable to provide a date by which the information will be disclosed.

After considering the arguments outlined above, the Council have decided to withhold this information.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

Open Data for the Business Rates information which we publish (this includes BA numbers) can be found at the following link:

https://www.coventry.gov.uk/downloads/download/2178/non_domestic_rates_foi_report

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email casework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance