



Information Governance Team

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Dear Sir/Madam

**Environmental Information Regulations 2004 (EIR)
Request ID: FOI629991618**

Thank you for your request for information relating to tree removals and removal requests for insurance or building damage reasons.

You have requested the following information:

Trees that are near buildings are often threatened by requests for removal. These requests normally come from homeowners or property owners or their insurance companies after trees are alleged to be causing damage. In many cases these trees pre-date the buildings that are being affected.

I would like to understand more about how this issue affects your local authority and the trees you are responsible for (i.e, you are responsible for maintaining, or are on your land, owned by you, etc).

In particular, I would like to know, over the past 10 years:

1. The locations of trees removed by your authority due to property or infrastructure damage, ideally accompanied by their species and the date of removal where possible (locations via GIS data, What3Words, OS coordinates, or addresses as you find easiest)

We have reviewed this request to see if and how information held can be provided. We have a GIS table that plots all the cases of subsidence damage for the last 20 plus years but, after we have scrutinised it to check whether it is purely tree related subsidence cases, we have found that we have other smaller cases of root trespass and tree branch failure included in this table. Therefore,

the data would be misleading to use as guide for where we have experienced subsidence and damage cases.

In addition, by revealing this position or address information may break GDPR as it would reveal personal information/ the address of claimants and this information falls under the exception(s) in Regulation 13 which relates to Personal Data. The Council has applied the provisions of Regulation 13 in respect of this information as it judges it to fall within the definition for personal data set out in Section 3(2) and 3(3) of the Data Protection Act 2018 (DPA) as:

(2) personal data means any information relating to an identified or identifiable living individual (subject to subsection (14)(c))”

(3) “Identifiable living individual” means a living individual who can be identified, directly or indirectly, in particular by reference to –

(a) an identifier such as a name, an identification number, location data or an online identifier, or
(b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.”

The Council considers that this information is caught by the above exception to disclosure and to explain further, a disclosure made under the provisions of the Regulations is judged to be a disclosure to the wider world and here the Council must consider disclosure of personal information in line with the provisions of the DPA.

Any disclosure of this information would be judged in this instance to breach DPA principles, notably the first principle – that of fair and lawful processing and the second principle-that of processing for specified and not-incompatible purposes. Personal identifiers have thus been redacted in this instance.

2. How many of/which of these trees were removed due to claims or requests from insurance companies

Please refer to Question 1.

3. How much the council paid to remove each tree (if this can be attributed per removal, or how much the council spent on tree removal each financial year if not)

We confirm that we do not hold this information and are advising you as per Regulation 12(4)(a) of the Legislation. We hold no data on the costs of each tree removal or the costs of repair to property.

4. How much the council paid out in insurance claims for tree damage to properties (individual claim values preferred, but an aggregate value may be acceptable if the council considers the individual values to be exempt from disclosure)

£104,889.59, we only have access to information from June 2017 because the Council adopted a new claims computer system at that point, and we no longer have access to the old system and are advising you as per Regulation 12(4)(a) of the Legislation.

5. The number of trees where removal has been requested, but was either refused, an

alternative solution found, or the situation is still ongoing; any breakdown that can be provided (similar to above, e.g, species and location) would be appreciated

Please refer to Question 3.

We can confirm that we fully consider all claims on the data made available and always ensure that a thorough data gathering exercise is carried out to fully prove any case. So, no insurance companies make the decision to fell trees.

Please follow the following principles when considering this request:

Data at an individual tree level is preferred, but where you consider this can't be disclosed due to commercial or legal agreements (e.g, insurance claims, contractor works) then aggregate data either annually or (worst case) over the whole period may be acceptable

Some data is better than no data; for example, if data is only available for the last 5 years then that is better than refusing the request.

The supply of information in response to a FOI/EIR request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

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.

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 icocasework@ico.org.uk.

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

Yours faithfully

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