

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: EIR-17-1056 - Damp Treatment
Date: 15 August 2017 13:16:55
Attachments: [Further Information - Right to Review & Appeal.pdf](#)

Dear [REDACTED],

Thank you for your information request of 25 July 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

I request information from Aberdeen City Council ("ACC") in relation to the handling and treatment by ACC of all claims arising in the last 10 years out of problems with damp and mould, including rising damp, within residential properties owned by ACC and leased to individuals as tenants

Year	No of claims	Total paid
2012/13	6	£750.86
2013/14	<5	£5,838.80
2014/15	<5	£4,360.00
2015/16	<5	£3,370.00
2016/17	<5	£0

ACC is unable to provide you with information on the exact number of claims when that number is less than 5 as it is excepted from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby gives notice that we are refusing your request under the terms of Regulation 11(2) in conjunction with 11(2)(a)(i) – Personal Information - of the EIRs.

In making this decision ACC considered the following points:

ACC is of the opinion that Regulation 11(2) applies to the information specified above as the information in question is personal information relating to living individual(s), of which the applicant is not the data subject. ACC is of the view that disclosing exact numbers could enable the individual(s) involved to be identified.

ACC is of the opinion that Regulation 11(3)(a)(i) applies, as we consider that disclosure of this information would be a breach of the first Data Protection Principle (that personal information must be processed fairly and lawfully). The individual(s) have not consented to the disclosure of their information, and ACC does not consider that they would expect ACC to release this information about them into the public domain under the EIRs.

Please note that ACC are only able to accurately report on the last five years due to the information held.

ACC is unable to provide you with information on **the handling and treatment of all claims arising in the last 10 years out of problems with damp and mould, including rising damp, within residential properties owned by ACC and leased to individuals as tenants** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation

10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

We hope this helps with your request.

Yours sincerely,

Grant Webster
Information Compliance Officer

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

Information Compliance Team
Customer Service
Corporate Governance
Aberdeen City Council
3rd Floor North
Business Hub 17
Marischal College
Broad Street
ABERDEEN AB10 1AQ

foienquiries@aberdeencity.gov.uk

Tel 03000 200 292

*03000 numbers are free to call if you have 'free minutes' included in your mobile call plan.
Calls from BT landlines will be charged at the local call rate of 10.24p per minute (the same as 01224s).

www.aberdeencity.gov.uk