

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** EIR-17-1421 - Damp Treatment  
**Date:** 27 October 2017 13:06:56  
**Attachments:** [Further Information - Right to Review & Appeal.pdf](#)

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Dear [REDACTED],

Thank you for your information request of 4 October 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 5 years out of problems with damp and mould, including rising damp, within residential properties owned by ACC and leased to individuals as tenants.**

**I would like:**

**a) The number of claims made in the last 5 years, per year, by tenants where damp and mould were cited as the main reason for the claim**

**b) The number of those claims which were successful, per year**

**c) The total amount of money paid out due to those successful claims, per year**

Financial Year	Total no of claims made	Total no of successful claims	Total Value of successful claims
2012/13	6	<5	£750.86
2013/14	6	<5	£7,917.20
2014/15	<5	<5	£4,360.00
2015/16	<5	<5	£3,370.00
2016/17	<5	0	£0

ACC is unable to provide you with information on **the number of claims made in the last 5 years, per year, by tenants where damp and mould were cited as the main reason for the claim** and **the number of those claims which were successful, per year** where 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 Regulation 11(3)(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 individuals, of which the applicant is not the data subject.

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). As the numbers are low, it is considered that release of exact numbers may lead to the identification of individuals. The individuals involved 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.

**Could you also provide me recorded details of the process or procedure that the council follows when handling claims made by tenants where damp and mould were cited as the main reason for the claim?**

Although the question is posed in terms of a claim in reality it is not that different from establishing the facts when a tenant is requesting a repair.

The first thing that is required is to establish the nature of the problem. Unfortunately the word “damp “ is one that is used in many contexts. It could mean water ingress, condensation or indeed actual damp in the truest form.

Water Ingress: This would be where the fabric of the building has failed and water is penetrating the building. This could be a failure of the roof structure or gutters and water is finding its way into the interior of the building.

Solution: Repair the fault.

Condensation: This is a situation that would arise due to an excess of airborne moisture within the property itself, this is usually caused by an imbalance of heating and ventilation. This water vapour in the air condensates on cold surfaces or walls which, if left unattended, may give rise to mould growth.

Solution: Reduce the activities producing the airborne moisture. Treat the walls affected by mould and if necessary increase the insulated qualities of the wall. Provide advice to avoid future outbreaks.

Damp: This may be mould appearing on the lower extremes of internal walls caused by an excess of moisture. It could be indicative of the lack of air movement in that area due to the location of furniture or it could be a breach of the cavity. This could be earth or similar materials bridging the damp proof course. It is unlikely to be rising damp.

Solution: Check the exterior of the property for signs of continual water damage in relation to the DPC.

If notified of the situation the Repair Service can attend to the root cause of the problem. This would only become a claim situation for the Council if it had been made aware of the situation and failed to act on the information provided. The Council would not be liable if the problem was being caused by the actions of the resident.

In the event of a claim being raised the property would be examined and a report, incorporating the repair records of the property would be forwarded to the City Council’s insurer. It may be necessary to use the services of external surveyors to provide an independent assessment.

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.

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\*03000 numbers are free to call if you have 'free minutes' included in your mobile call plan.

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