

Adult and Community Services
Data Protection & Information Officer

23 March 2016

Our Ref: e18768

Re: Request for information under the Freedom of Information Act 2000

Your request for information which was received on 3 March 2016 has been considered. Please find our response below.

Your request:

1. *Name of your authority and the area you cover?*
2. *How many households are currently on your waiting list for social housing?*
3. *How many of those households from Question 2 on your waiting list are made up of one or more EU Nationals? Please list the nationalities and the number waiting.*
4. *How many of those households from Question 2 on your waiting list are made up of one or more non-EU Nationals (not including UK residents)? Please list the nationalities and the number waiting.*
5. *Do you have a residency requirement as part of the qualification criteria for social housing which would require the applicant (or member of the applicant's household) to have lived within the area for a specific period of time? If yes, please give details of the requirement e.g/ residency for at least two years*
6. *In the following years how many households made up of one or more EU Nationals were granted social housing in your area who had not been residence in the authority's district for at least two years?*
 - a) 2014
 - b) 2015
 - c) So far 2016
7. *In the following years how many households made up of one or more non-EU Nationals were granted social housing in your area who had not been residence in the authority's district for at least two years?*
 - a) 2014
 - b) 2015
 - c) So far 2016
8. *What is the cost of language interpreter and translation services the council has used in the following financial years?*
 - a) 2013/14
 - b) 2014/15
 - c) 2015/16?

9. How many languages do you translate information into as of 1 March 2016? Please list the languages in order of the most popular.

Our response:

1. The London Borough of Richmond Upon Thames
2. 4,869
3. Please note that we only report on the nationality of the main applicant, not the nationality of every individual comprising the household.

Nationality	Applications
Czechoslovakian	Fewer than 5
Estonian	Fewer than 5
Hungarian	5
Latvian	9
Lithuanian	11
Other EU Nationals	50
Polish	68
Romanian	Fewer than 5
Slovakian	6
UK Habitually Resident	3,273
UK Returning	16
Total	3,446

Please see Appendix 1 for the reasoning behind not providing exact figures that identify fewer than 5 individuals and your right of appeal.

4. There are 1,423 applications on the waiting list where the main applicant is not recorded as being an EU National. It is not possible to provide a summary of nationalities because we do not record the information in a way that can be summarised by nationality.
5. The qualification criteria are six months, with some exceptions. Please refer to the allocations policy at this [link](#).
6. We do not centrally record this information. It is not possible to provide this information within the time constraints. Please see Appendix 1 for the reasoning behind not providing this information and your right of appeal.
7. We do not centrally record this information. It is not possible to provide this information within the time constraints. Please see Appendix 1 for the reasoning behind not providing this information and your right of appeal.
8. (a) £16,400 total spend on translation and interpreting services minus disability related Translation and Interpreting services.

- (b) £6,388 total spend on translation and interpreting services minus disability related Translation and Interpreting services
- (c) £5,726 total spend on translation and interpreting services minus disability related Translation and Interpreting services.

Please note that up to March 31st 2014 TIS expenditure included Children's services. Childrens Services is now provided by Achieving for Children (AfC). After April 1st 2014 AfC TIS is separate and you would need to request this information from AfC separately.

- 9. The Council does not routinely translate information into other languages, including Braille. The Council will provide face to face interpreting in the first instance and will provide translation of written materials on a strictly needs basis only upon request. Due to changes in providers in 2013-2015 the Council was unable to collect information on languages provided, as we have been able to extract information from Finance systems only for this period. The Council will be able to provide this information for services provided from April 2016 onwards.

Kind regards

Data Protection and Information Officer

Appendix 1

Detailed legal reasoning for refusal

“Fewer than 5”

Section 40(2): Personal Information

Specifically in terms of the provisions of the Freedom of Information Act 2000 this information is exempt under Section 40(2) as “personal data other than that of the requestor”

The definition of personal data is set out in Section 1 of the Data Protection Act 1998 and provides:

“Personal data” means data which relate to a living individual who can be identified—

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual;

Richmond Council has applied the reasoning in the following Information Commissioner Decision [FS50543792](#)

Paragraphs 15 &16:

15. The Commissioner has considered the information and the number of individuals involved and has concluded that if the Council were to disclose the exact number in each category, particularly if the numbers for any were one, it could be possible to identify the individuals concerned. By aggregating the information the Council has minimised the possibility of identification.

16. The Commissioner does however note that the chances of any member of the public being able to cross-reference this information to identify specific individuals is not high but given the low numbers involved there is a risk that specific individuals could be identified by a person with knowledge of special educational needs and appeals in the area. The Council has stated that the complainant in this case is an individual who has knowledge of this. In addition, the Commissioner recognises that other individuals, such as parents at schools or Council employees may be able to identify individuals. Therefore, on the balance of probabilities, the Commissioner accepts the information is personal data.

Similarly, we consider a determined individual with other knowledge of this matter may be able to use the specific figure to attempt to identify the individuals involved. We therefore consider that this information constitutes personal data.

We have now considered whether disclosure would breach any of the principles of the Data Protection Act.

Such information should only be processed for specified, lawful and compatible purposes and I do not consider this to be a compatible purpose [Principle 2].

Furthermore such information should be processed in accordance with the rights of the data subjects who would have a legitimate expectation that the information would not be disclosed to members of the public [Principle 6].

I consider that the disclosure of this information to members of the public could cause damage or distress to the data subjects. I have given regard to condition 6 of Schedule of 2 of the DPA which provides:

6 (1) the processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.

In reaching a view I have taken account of the individual's reasonable expectations of what would happen to their personal data, whether disclosure would be incompatible with the purposes for which it was obtained and whether disclosure would cause any unnecessary or unjustified damage to the individual.

In this instance the data subjects would not have any reasonable expectation that the details would be made public.

I have concluded that it is neither in accordance with the Data Protection Act 1998 principles nor in the public interest to release this specific data.

Information on EU and Non-EU residents who have been given social housing and have not been in residence in the authority's district for at least two years

Section 12: Exceeds the appropriate limit

We do not collate this information. The only way to establish how long each applicant had been a resident in the borough prior to being awarded social housing would be to check each individual case history.

To provide the information requested would require us to manually search, review, collate and analyse the requested information. This would take considerable time.

We consider that this would exceed the appropriate limit, as specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004; therefore section 12(1) of the Act applies.

The appropriate limit has been set at £450 and may include working hours of any person acting on our behalf at a rate of £25 per hour. This equates to 18 hours to locate and extract the relevant information.

As explained this task would involve manual searches for records over 2 to 3 years. We estimate that this would be well in excess of 18 hours work. The response therefore would exceed the limit stipulated under FOI legislation.

In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice.

You have the right of appeal against our policy. If you wish to appeal please set out in writing your grounds of appeal and send to:

Corporate Complaints and Access to Information Manager
Community Engagement and Accountability Team
Adult and Community Services
3rd Floor Civic Centre
44 York Street
Twickenham
TW1 3BZ
E-mail: foi@richmond.gov.uk

If you are dissatisfied with the outcome of the internal appeal you may appeal further to the Information Commissioner's Office at:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
fax: 01625 524 510
DX 20819

www.ico.org.uk