



# Privacy Impact Assessment Report

Making price paid data  
available through  
publication in a machine  
readable and reusable  
format

March 2012

# Contents

Part 1 – Background and Approach	2
Part 2 – Analysis	4
Part 3 – Summary of Recommendations	8
Annex A – Customer Questionnaire	9
Annex B – Extract from Price Paid Complaints.	10
Annex C – PIA Screening Questions and Answers	12

# Part 1 – Background and approach

## Introduction

The Government has a clear commitment to greater transparency of public information and continuing to open up public sector data based on the principles of the enhanced right to data. The presumption of publication is to enable opening up public sector data and so provide opportunities for innovative developers, businesses and the public to generate social and economic growth through the use of data.

Land Registry already publishes a range of data and is committed to releasing more of its data to support this move to greater openness.

From March 2012 Land Registry will release each month the latest monthly residential property price data for all residential property sales in England and Wales and lodged with Land Registry for registration ('PPI').

In advance of publication of PPI, a Privacy Impact Assessment (PIA) was conducted from December 2011 to February 2012. This report explains the data, our approach and analysis, controls and mitigation to minimise any potential privacy impacts. A PIA was conducted in line with the recommendation of the Information Commissioner's Office ('ICO') – where an organisation proposes to process personal data, or change the way it is processed.

The PIA has been conducted to consider whether PPI is personal data and whether the availability of this data will impact the privacy of any individual.

## Our approach to the PIA

On 29 November 2011 the Government announced that it will meet its commitment to support the Government's growth review through the establishment of a Data Strategy Board. This will seek to maximise the value of data from a newly formed Public Data Group (PDG) of Trading Funds.

As part of our commitment to the Government's growth and transparency agenda, we are committed to releasing data. PPI was identified as data which was considered to be made available for free and downloadable for re-use in an accessible and re-useable format under the Open Government Licence.

We approached the ICO about Land Registry's proposal to publish PPI data. We agreed that we would undertake a PIA to evaluate whether there are any privacy issues in relation to our proposal.

By way of background, we did get a view from the ICO around 2004 when they indicated that price paid information was not

biographical. Bulk PPI data has been made available commercially for many years.

To conduct the PIA, a small team was formed consisting of major stakeholders from Commercial and Customer Directorate, Information Services, and Legal. In line with the ICO's Handbook, the group considered the initial screening questions to determine whether a small scale or a full scale privacy impact assessment should be carried out.

The group agreed that a small scale privacy impact assessment should be undertaken because:

- Price paid information is already publically available from the public land register of title
- The Register of title for England and Wales has been publically available since 1990 following a formal public consultation.
- Residential price paid information is already available and accessed from nationally advertised websites and other sources because we have been selling the bulk data commercially for many years without formal challenge.
- It was considered that the information relates to the property and not the individual.

We agreed that we would focus on the following areas:

- Considering whether the price paid data is property related. Taking special note of the fact that the public may have concerns.
- What will be the effect of the data being widely available and any impacts.
- Will there be an increase in direct marketing.
- Evaluate responses from existing customers.
- Evaluation of price paid complaints to gain a view of the public.

As part of the approach, a questionnaire was sent to our existing commercial customers to gain their views. A total of 37 questionnaires were sent. A total of 6 responses were received. A copy of the questionnaire is attached at **Annex A**.

In addition the complaints since 2008 in relation to price paid information were evaluated to gauge a view of the potential issues. An extract from the text of the Price Paid Complaint Report is provided at **Annex B**.

The initial screening questions to determine whether a small scale or a full scale Privacy Impact Assessment should be carried out is provided at **Annex C**.

## Part 2 – Analysis

### What is price paid data?

PPI is information for all full value residential property sales in England and Wales that are lodged with Land Registry for registration. This excludes some data for example, all commercial transactions, sales under a court order, gifts.

PPI is already available from a public register of title and had been entered in the register since 1 April 2000. The decision to record this information was made following consultation and the necessary amendment was contained in the Land Registration (No.3) Rules 2000 which were laid before Parliament. Part of the drive to publish residential price information was to increase transparency and reduce the potential for certain types of property fraud, where, in a closed environment, indicative prices could be concealed.

By way of background, the Land Register of title for England and Wales has been publicly available since December 1990. The decision to publish was taken following extensive public consultation and debate in Parliament. The 'open register' provisions were enacted as long ago as 15 March 1988 and came into effect on 3 December 1990. The availability of register information is governed by section 66 of the Land Registration Act 2002 which provides for register information to be publicly available. The Land Registration Act and Rules require this information to be publicly available and we would be breaking the law if we refused to supply it.

The data includes:

- the full address of the property (PAON, SAON, street, postcode, locality (if available), town, district, county)
- the price paid for the property
- the date of transfer
- the property type (Detached, Semi, Terraced, Flat/Maisonette)
- whether the property is new build or not
- whether the property is freehold or leasehold.

**Recommendation;** we should make clear what the data includes and excludes.

### What is the nature of the data?

We began by considering what the nature of the information was and whether it was biographical. The analysis concluded that the data relates to the property and not the individual and as such, it was not regarded as being personal information.

The group took account of the fact that as price paid already appeared in the register of title, anyone could find out the

information by obtaining an official copy of the register. The focus of the data is the property. It was evaluated that even if a postcode is used, the postcode is shared by properties in a street and would still need to be considered with other information from other sources such as the electoral role to provide personal information. The data was demographical rather than personal.

In addition, Section 34 of the Data Protection Act 1998 provides that when data consists of information which a data controller is obliged by or under any enactment to make available to the public, personal data is exempt from the non disclosure provisions. We concluded that the information was not personal.

We took into account the fact that in 2004 we did get a view from the ICO when it was indicated that the ICO did not regard PPI as biographical.

**It was concluded that to mitigate the position, it would be useful to explain why price paid information is not personal and how the public could raise an issue or concern.**

## Complaints

We considered what the public concern may be. A Report was commissioned which evaluated the complaints received in relation to price paid information. A specific complaint category for issues was introduced in April 2008 about the provision of price paid. Since its introduction 95 complaints have been logged. Most of the complaints were around the concept of an open register containing price paid information. There were also issues around licensing data to third parties. More recent issues were around the publication of data on third party sites. The concern was not around the information being available but being published by third parties other than Land Registry. Broadly there seems to be a wider recent acceptance of Land Registry's licensing of its property price data to third parties.

**Recommendation;** to fully understand the concerns and any potential issues, a log of issues should be maintained.

**Recommendation;** a tailored complaints procedure should be put into place with escalation to the Independent Complaints Reviewer where appropriate.

## What information is in the public domain?

PPI appears in the register of title and as already stated is available under the open register rules. In addition, the availability of all register information is in the public domain.

The PPI information is already freely available and accessed from nationally advertised websites and widely available from other sources. This has not been the subject of formal challenge. PPI is widely available in other European jurisdictions such as Finland and

Luxemburg. In Scotland, the information has been publically available for centuries.

Local newspapers and estate agents carry information about houses for sale and house prices. It is therefore quite easy to gain an accurate idea of most house prices at any given time.

## How much demand is there?

Land Registry has been supplying the bulk data commercially for many years. There have been 37 subscribers who pay for the data under an Add Value contract plus ad hoc customers who request, and pay for specific data sets. Under the Add Value Contract, use of the data is limited and direct marketing was precluded. The provisions of the service are in line with the Information Fair Trader scheme which is overseen by the National Archives.

Most subscribers welcomed the monthly publication of the data as this would reduce their costs. Those who responded were very positive as more information would be available and would give users more choice as the market would be more open for such data. The removal of direct marketing was not considered to be an issue nor a benefit. Some felt that their activities were not constrained by the direct marketing operations.

Neither the exact potential for innovative uses of the monthly PPI once it is published, nor the volume of demand is yet known, as we have little direct experience of the ways the public may already use that information for non commercial purposes. Nor do we know enough about the innovative ways of its re-use. What we already do know from the widespread re use on nationally recognised web sites, is that there is great public demand for the information. The full impact of publishing PPI data in this new way is not yet fully understood and will not become clear for some months after its publication. However, there is clearly an inherent public good in the provision of the data so that there is long term benefit to the public and tax payer. For example, a local authority could use the data to obtain details of sales of properties for council tax purposes.

A review ensures that all issues, concerns and uses of the data will be taken into account. This will enable us to consider whether there is a need to impose restrictions on the use of the data initially being offered under the Open Government Licence and if necessary to introduce a new bespoke licence.

**Recommendation;** a formal review of the free data publication after six months will be undertaken including the use of the Open Government Licence. We will, in the meantime put resources into gathering intelligence from the commercial sector and the public in the form of feedback, comment and complaints in relation to the publication, to use as part of the review.

## Will there be an increase in direct marketing?

Use of PPI data for direct marketing was considered. It was noted that current users of this data did not see restriction on direct marketing as an obstacle. It is not possible to supervise the uses as it will be available widely under the Open Government Licence. The Open Government Licence provides that users must ensure that their use of the data does not breach the Data Protection Act 1998 or the Privacy and Electronic Communications (EC Directive) Regulations 2003.

**Recommendation;** to signpost the public to the ICO's web pages and to highlight what they need to know if the public want to opt out of receiving direct marketing material.

**Recommendation;** the Add value contracts to acquire historical data should continue to impose a limitation on the end users of the PPI data to obtain Land Registry's consent if uses are for commercial purposes other than internal and research purposes.

## What other things should be considered?

We looked at what else could be done to mitigate any risks around the data.

**Recommendation;** to include an attribution/source statement with the data so that it is clear what period the data relates to. In addition, if there are any inaccuracies we should clearly signpost how to report an error in the data.

## Part 3 – Summary of Recommendations

### **Recommendation 1**

That it should be made clear what the data includes and excludes.

### **Recommendation 2**

That it would be useful to explain why price paid information is not personal and how the public could raise an issue or concern.

### **Recommendation 3**

To fully understand the concerns and any potential issues, a log of issues be maintained.

### **Recommendation 4**

A tailored accelerated complaints procedure should be put into place with escalation to the Independent Complaints Reviewer where appropriate.

### **Recommendation 5**

A formal review of the free data publication after six months will be undertaken including the use of the Open Government Licence. Resources will be put into gathering intelligence from the commercial sector and the public in the form of feedback, comment and complaints in relation to the publication, to use as part of the review.

### **Recommendation 6**

To signpost the public to the ICO's web pages to highlight what they need to know if the public want to opt out of receiving direct marketing material.

### **Recommendation 7**

The Add Value contract for historical data should continue to impose a limitation on the end users of the PPI data to obtain Land Registry's consent if use is for commercial purposes other than internal and research purposes.

### **Recommendation 8**

An attribution/source statement will be added to the data being published so that it is clear what period it relates to. How to report an error in the data should be signposted.

## Annex A

### UNDERSTANDING THE IMPLICATIONS SURROUNDING THE FREE RELEASE AND RE-USE OF THE PROPERTY PRICE INFORMATION

#### 1. What affect will our proposals to make Price Paid data free and available for all re-use (direct marketing restriction removed)?

If beneficial – in what ways will it help (e.g. additional revenue for other potential activities, other potential customers (e.g. direct marketing or where the resale price was an inhibiting factor)?

If harmful - in what ways does it affect your business? Can you quantify that loss (e.g. loss of market 'edge')?

#### 2. What actions (if any) are you intending to take as a result?

If beneficial – are you looking to expand your customer base/product range – if so in what ways

If harmful – will you reconfigure your activities (e.g. move out of certain activities or lose certain customers/income streams – such as advertising revenue associated with any websites you run)?

#### 3. Open Government Licence (OGL)

Has the direct marketing prohibition – now removed – ever constrained your market activities or customer bases?

What is your own view of the likely impact on the market generally of the removal of the restriction? A good thing, a bad thing or no marked affect?

Name:

Company:

Address:

Telephone:

Email:

## Annex B

### Summary form review of Price Paid Complaints

A specific complaint category for issues raised about the provision of price paid information was introduced in April 2008. Since then, 95 complaints have been logged using this category. Analysis was carried out on a total of 80 complaints which were available for evaluation. Two Reports were produced.

#### **Report dated 14 February 2012**

#### **Analysis**

Our assessment of the key points arising from analysing 24 complaints is as follows.

1. The most common issue raised in the complaints is the provision of price paid information by third parties (of the 33 points made by the complainants – some complaints raised more than one issue – 14 arose from concerns expressed by the customers that this data is published by other websites/organisations, such as Zoopla). Of these 14 complaints, only 3 also included any complaint about the overall question of price paid information being provided. This would seem to indicate that of those customers who have complained, the concern is not so much that the information is available but more that it is published by bodies other than Land Registry and, in some cases, is available free of charge.
2. There were 6 issues raised about Land Registry licensing the publication of this data to third parties.
3. There were in total 5 issues raised about the overall question of price paid information being available in an open register, suggesting that this is not one of the principal causes for concern for our customers.
4. There were 5 issues raised about price paid information provided by a third party being incorrect or misleading. All of these were upheld because the information was found to be incorrect in some way. These ranged from issues with the figures given being wrong to the question of whether the price paid should have been published at all (because it was not a full market value transaction, for example).
5. There were only 2 complaints raised about price paid information on the register being incorrect or misleading. In one of these cases, the complaint was upheld because the price paid entry on the register was found to be incorrect.
6. Only 1 complaint was received about the cost of obtaining data via the commercial PPI service.

## Report dated 27 February 2012

### Background

Since our last report on 14th February, we have carried out an analysis of a further 56 complaints concerning price paid issues received since April 2008.

Our assessment of the key points arising from this information is as follows. Some comment on how this differs from the information already provided on price paid complaints received this business year is also included.

1. In our last report, the most common issue raised by some way was the provision of price paid information by third parties. Strikingly, this is not the case with complaints received from April 2008 to March 2011.

With these complaints, the most common issue raised was about the concept of an open register containing price paid information (32 out of the 81 separate issues recorded). Of these 32 complaints, 12 also contained issues raised about licensing data to third parties (18 issues about this were raised overall).

This would seem to suggest strongly that historically there was much greater concern than in more recent times about the overall concept of providing price paid information in an open register, albeit coupled with concern in some cases about the provision of this data to third parties for publication.

2. 17 issues were raised about price paid information on the register being incorrect or misleading. That is almost 21% of the total of the issues raised as opposed to 6% in complaints logged from April 2011. Conversely, the number of issues raised about price paid information being provided by third parties being incorrect or misleading is almost 5% of the older complaints compared with 15% this business year. This may be suggestive of the following
  - Accuracy (or customers' perception of accuracy) of price paid information on the register has improved whereas that provided by third parties has not.
  - This would seem to be borne out by the outcomes of these complaints. Nearly 60% of the complaints about register accuracy were upheld or partially upheld. Of the 4 issues raised about third party price paid information, 2 were upheld (compared with 100% of these complaints recorded this year being upheld).
3. The other data assessed is broadly similar to complaints logged this year, with very low levels of customer feedback against the other issues arising from price paid matters.

## Annex C

### Initial screening questions

The bullets are a record of points discussed.

- 1. Does the project apply new or additional information technologies that have substantial potential for privacy intrusion?**
  - Tricky as data given away, therefore could apply any technology against it. LR has no control
  - OGL does not prevent re-use how they want
  - Maps- some impact if detail drilled down – not decided level at this stage
  - New technology to get personal data – this is not new or additional
  - Have to be aware of DPA issues – responsibility of those who develop product
- 2. Does the project involve new identifiers, re-use of existing identifiers, or intrusive identification, identity authentication or identity management processes?**
  - Profile of property – not identify the name of the person. Need to go further by applying for OC – open register
  - Action Point – Check response from ICO when product first available
  - Agreed – No
- 3. Might the project have the effect of denying anonymity and pseudonymity, or converting transactions that could previously be conducted anonymously or pseudonymously into identified transactions?**
  - Agreed – No
- 4. Does the project involve multiple organisations, whether they are government agencies (e.g. in 'joined-up government' initiatives) or private sector organisations (eg as outsourced service providers or as 'business partners')?**
  - All information derived from LR
  - Agreed – No
- 5. Does the project involve new or significantly changed handling of personal data that is of particular concern to individuals?**
  - Sensitive personal data (race, belief, ...) – data not identify person so no risk
  - Agreed – No
- 6. Does the project involve new or significantly changed handling of a considerable amount of personal data about**

**each individual in the database?**

- Price paid on register
- ICO (2003/4) attached to the property rather than individual
- Fraud impact - this was considered. Publication would make the data more transparent and as such likely to prevent fraud because of this. It would prevent such incidences and would give public benefit as it would result in open competition.
- No change

**7. Does the project involve new or significantly changed handling of personal data about a large number of individuals?**

- 650,000 records per month – not new – only that will be published
- More information appears on the register
- Only change is now not charging
- Possibly different with maps
- No change

**8. Does the project involve new or significantly changed consolidation, inter-linking, cross-referencing or matching**

- Match PPI with map information – same source
- Cross reference 2 data sets – still not personal data
- The fact that a person has moved, is this personal data?
  - Utilising knowledge to know that someone has moved
- No (subject to map detail)

**9. Does the project relate to data processing which is in any way exempt from legislative privacy protections?**

- No

**10. Does the project's justification include significant contributions to public security measures?**

- No

**11. Does the project involve systematic disclosure of personal data to, or access by, third parties that are not subject to comparable privacy regulation?**

- Data is available to organisations outside UK, therefore not subject to our legislation – no control over access
- Could be 'Yes' if the data (with other data) is personal but not if data relates to property?

**Impacts**

- Evaluate number of individuals
- Personal or not – our view is data is not personal (see also previous exchange with ICO)

- Any privacy impacts
- Need to consult widely?

### **Our Stance**

- Not personal information.
- Consider previous exchange with ICO.

### **Additional Questions**

- 1. What affect will our proposals to make Price Paid data free and available for all re-use (direct marketing restriction removed)?**
- 2. What actions (if any) are you intending to take as a result?**
- 3. Open Government Licence (OGL)**
  1. Direct marketing clause
    - Likely impact – free up direct marketing
    - Restrictions removed. If no restriction – unfair
  2. Historical data
    - Historical data has restriction. New customers same restrictions for historical data
    - Historical data not ‘open data’. Sign up to contract if wanted. Policy – no longer under contract
    - Historical data treated as different data set from the open data
    - Ad hoc reports – current licensing suffice for records up to Feb. If required in a particular form can ask us. Cannot insist have contract as we have available under OGL
    - Bespoke report – normal licence at present – can re-use under current contract
    - Recommendation – mitigation
  3. Impact on historical data
    - The older the data the less impact on the individual
    - Impact minimal
  4. PPI extracted from already open data
    - No impact – property life – available from open register – data protection limited
    - Not personal – related to property – already out there – use of other data (electoral data, neighbourhood statistics)
    - PPI data from application – information not on register