

Dear,

Further to your recent Freedom of Information request below, please find attached the data which you have requested. Please note that some of the data you have requested has been exempted under the Freedom of Information Act; I have outlined which exemptions have been applied below.

“Under the Freedom of Information Act, I would like to request the following information for public health funerals (for 1 March 2017 to 3 November 2017):

- 1) Name of the deceased*
- 2) Date of birth*
- 3) Date of death*
- 4) Last residential address*
- 5) Have the next of kin/ family members been traced?*
- 6) What date has the details been transferred to the QLTR, Bona Vacantia, Treasury Solicitor, Government Legal Department, National Ultimus Haeres or Duchy?”*

You may be aware that, in general, the district and borough councils are responsible for providing public health funerals. The County Council would only arrange a funeral where the person died in a care home and their care was being funded by the County Council and no other arrangements are being made.

In relation to the request for the deceased’s name, address and date of birth, we are exempting this information under S.31(a) of the Freedom of Information Act which prevents the disclosure of information which would be likely to prejudice the prevention of crime. If the name and address and date of birth of the deceased were disclosed it could potentially be used with other information to obtain a death certificate or as a means of obtaining information regarding the deceased’s estate which could lead to criminal activity such as fraud or theft.

We have also considered S.36(2)(C) AND S.43(2) to be relevant in this case as we consider that under S.36(2)(C) that disclosure of the requested information would prejudice, or would be likely to, prejudice the effective conduct of public affairs, is being applied in that by disclosing information into the public domain it would impede the Treasury Solicitor’s Departments investigations before they have been concluded.

Release of the information could also lead to confusion where more than one person is seeking to trace potential inheritors of ‘bona vacantia estates and also cause anxiety to those who may become inheritors of the estate.

Under S.43(2) we consider that disclosure of the requested information would ,or would likely to prejudice the commercial interests of any person (including the public authority) holding it, S.43(2) is being applied in that information once released under the Freedom of Information Act it is released to the world at large.

The information could be seen as commercially valuable to certain individuals and used for criminal activity to obtain the deceased assets unlawfully. This would affect the commercial interests of the Council and Treasury Solicitor who deal with the assets of people who die intestate.

Before reaching this decision we considered whether there were any factors in the public interest which would outweigh the factors in favour of withholding the information. Disclosure might demonstrate fairness and promote public confidence in the ‘bona vacantia’ process. In addition it might assist private firms and genealogists in carrying out work to trace potential beneficiaries

thereby enabling some persons to claim inheritances. However, if the information entered the public domain before the assets were frozen there would be an opportunity for criminal acts to be committed and it is our conclusion that the balance of the public interest lies in withholding the information.

If you wish to raise any concerns about the way your request was dealt with, then please write to the Team Manager, Complaints and Information, County Hall, West Bridgford, Nottingham, NG2 7QP or e-mail foi@nottscc.gov.uk quoting the reference number above.

Following this, if you remain dissatisfied, you can ask the Information Commissioner to review your request. However, the Information Commissioner cannot normally make a decision unless you have exhausted the procedure provided by the Council. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113 or 01625 54 57 45
www.ico.org.uk