



My Ref: FOI/ 5344
Enquiries to: Information Requests
E-Mail: informationrequests@barnsley.gov.uk

Dear Requester,

Re: Request for Information – Freedom of Information Act 2000

I wish to confirm that the council has completed its search for the information which you requested.

The information requested and our findings are as follows: -

I would like to request the following information: - A list of the land and property that are currently owned by Barnsley Metropolitan Borough Council. This can just be a list of the INSPIRE IDs or National Cadastral Reference numbers. If available, please include; post code and full address and the British National Grid Coordinates of the centre of the land/property. Please provide the list in an excel or csv file. - A GIS shapefile that shows which land and property is currently owned by Barnsley Metropolitan Borough Council – essentially I would like the GIS data that was used to create the Council land and property map you have on your website here - <https://www.barnsley.gov.uk/services/council-and-democracy/information-we-publish/council-land/>

I am contacting you to request the GIS data (i.e. shapefile or gdb or whatever format you keep it in) for the council land and property map on this page <https://www.barnsley.gov.uk/services/council-and-democracy/information-we-publish/council-land/>. I am working as part of the South Yorkshire Sustainability Centre on a project identifying land across South Yorkshire that could be used for future food growing projects. I have the data for Sheffield but I still need the data for Barnsley.

After careful consideration, we have decided to refuse your request for GIS / shapefiles under Section 43(2) – prejudice to commercial interests.

The data you have requested is Ordnance Survey derived which the Council holds via a licence agreement. The Council used the OS Mastermap layer to create the polygons data mapped in the requested dataset, therefore, if we were to disclose the data we would be breaching the terms of our licence with Ordnance Survey, hence why the data is not made available for download. We do not have a presumption to publish agreement in place for this data.

We have considered whether the release of the requested information would, or would be likely to, prejudice the commercial interests of Ordnance Survey.

By way of background, Ordnance Survey is a wholly owned Government company, whose objectives include “to operate on a commercial, self-financing basis”, and “to generate profitable revenue”. As you have mentioned the data is visible on our online maps and therefore is accessible to assess areas that would be suitable to fulfil your request.

It therefore is the Council's view that the disclosure of the requested information would prejudice Ordnance Survey's commercial interests. The Council's commercial interests are highly likely to also be affected in the event of disclosure as such disclosure could lead to a lack of confidence / trust with the Council and put off companies from engaging in business with us.

Our basis for applying Section 43(2) is that under FOI, data is released under an Open Government Licence, meaning the data can be published /reused once released. As the data was not wholly ours and was developed with data which we obtained from OS under licence it was therefore inappropriate to disclose the requested data. Furthermore, the OS has confirmed that we shouldn't provide shapefile data under an Open Government Licence.

Please remember to quote the reference number above in any future communications.

If you are unhappy with the way the Directorate has handled your request, you may ask for an internal review. Please clearly mark your correspondence 'Complaint' and address it to:

Barnsley MBC
Information Requests Team
PO Box 634
Barnsley
S70 9GG
email: informationrequests@barnsley.gov.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: -

Customer Services Team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Email: <http://www.ico.org.uk/foicomplaints>

Kind regards,

Information Requests Team, Barnsley MBC

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