



Privacy Impact Assessment Review

Price Paid Data,
Transaction Data and
Historical Price Paid Data

April 2013

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Part 1 – Background

As part of its commitment to the Government's priorities of economic growth and data transparency, Land Registry began publishing monthly Transaction Data in January 2012 and monthly Price Paid Data ('PPI') in March 2012 to support a move to greater openness.

A small scale privacy impact assessment was conducted in [March 2012](#) ('March Report') prior to publication of PPI. Since then, we have continued to review the privacy impacts of publication so we could evaluate any concerns and potential issues. Further reviews were carried out in [June and July 2012](#) ('June/July Report'), and in [January 2013](#) ('January Report').

The January Report recommended that a final review should be conducted in April 2013 after twelve months of PPI publication.

This privacy impact assessment therefore includes a review of impacts following twelve months of publication of PPI. We also took the opportunity to review the publication of Transaction Data and fully consider Historical Price Paid Data and its impact.

We also spoke to the Information Commissioner's Office ('ICO') and confirmed the steps and ongoing evaluation we have undertaken over the last twelve months. We confirmed our view that monthly PPI was not personal data but property related information remained unchanged.

Our Approach

As with earlier reviews, a small team was formed comprising representatives from Legal, Commercial and Customer Directorate, and Information Services. The group considered and reviewed the information from earlier reviews.

In addition, the group considered the additional information collected since the review undertaken in January 2013 and looked at:

- the number of downloads of the data
- the number and nature of queries and issues raised since January 2013
- the number and types of complaints since January 2013.

We agreed that we would focus on the following:

- whether our view that PPI is property related continued to apply
- whether there were any direct marketing impacts and increases in relation to this as a result of publication
- evaluating the nature of complaints
- reviewing the 'frequently asked questions' ('FAQs') and information published alongside the PPI publication.

Part 2 – Analysis

Review of what is price paid data and its nature

PPI is information relating to single residential sales at full market value in England and Wales that are lodged with Land Registry for registration. This excludes some transactions such as gifts. A full list of [exclusions](#) can be found on our website.

We re-examined the nature of the data which consists of:

- the full address
- the price paid for the property
- the date of transfer
- the property type
- whether the property is a new build or not
- whether the property is freehold or leasehold.

The analysis re-examined whether PPI was property related. PPI is available from the public register of title and has been entered in the register since 1 April 2000. The Land Registration Act and Rules require register information to be publicly available. To refuse to do so would mean we were breaking the law. Anyone can obtain a copy of any register in England and Wales and consequently find out more information which appears in the register of title.

Our evaluation confirms our earlier views that PPI is not biographical in nature as the focus of the information is on the property and not on the person who owned or sold the property.

We took account of the fact that indicative house prices are already freely available and in the public domain, such as prices advertised by estate agents and information on whether a property is on sale through mobile phone applications.

We also took account of the complaints and issues raised. These are detailed below. No formal legal challenge has been made. **Our view remains that PPI is property related and not personal information.**

Have there been any direct marketing impacts?

We are aware of only one complaint where the issue of direct marketing was raised. The complainant suggested that they received an increased amount of direct marketing. When we considered the details, however, there was no evidence to show that this was as a result of the publication of PPI. Nor was there any evidence to show that the complainant's PPI was published over the last twelve months. Alongside this, it is important to remember that other organisations provide information for direct marketing.

Users of PPI have an obligation under the Open Government Licence ('OGL') to 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. Any use of PPI for this purpose would require adherence to this legislation. The use of the OGL does not seem to have raised any issues and it was agreed that no

restrictions need to be considered in relation to the use of data under the OGL.

Our evaluation is that there has not been any impact on direct marketing as a result of publication of PPI.

The group looked at the attribution statements and it was agreed to review and simplify their wording. This would clarify the source of the data.

Types of Queries and Issues

The nature of queries raised in the last twelve months has focused on ensuring PPI is correct. Most members of the public want to ensure that it is accurate.

A total of 2,256 issues were recorded in relation to incorrect PPI. Since May 2012, 489 of these 2,256 queries were raised with Customer Contact Centres and 103 through our Beta Site. Through a new online reporting form which became available in January 2013 we know that 237 notifications were made as a direct result of publication on our site.

Our evaluation is that members of the public want to ensure PPI is accurate and queried issues such as types of property, missing sales and transactions rather than raise privacy issues.

Members of the public want the data to be accurate. The impact on privacy as a result of publication has been low. The more positive effect has been that there is an increase in number of notifications by those who want the data to be accurate.

The total number of downloads are:

Type	Date	Downloads
Non-linked Price Paid Data	29/01/2012 – 06/03/2013	71,815
Linked Data	29/01/2013 – 06/03/2013	6,120

When compared, the number of queries or corrections has been low. This is the main area where most queries have been raised.

One particular issue is that some members of the public confuse PPI with valuation of property. Some members of the public fail to associate PPI as a snapshot of price paid for the property at a particular point in time rather than a valuation of the property. The group agreed that this aspect needs to be clarified in the FAQs.

Nature and Types of Complaints

Between 1 January and 31 March 2013 there have been 16 complaints raised concerning price paid data:

- A majority of complaints (8) related to availability of price paid information on third party websites. A number of these (5) also mentioned availability of the price paid information on our website and the 'open register'.

There was no subsequent concern or follow-up when the basis of publication and background information on the 'open register' was explained to the complainant.

- The remaining complaints related to erroneous information (6) and absence of historical price paid information (2).

Our examination of these complaints confirmed that they were similar to those considered in earlier reviews. They focused on price paid information being available through the open register, with some members of the public wanting to opt out of this. Under the Land Registration Rules 2003, there is a legal obligation to enter price paid information in the register of title when practicable. No new issues have been raised. There has been no major complaint focusing on the publication of PPI and no formal legal challenge has been raised.

The group noted that there had been an increase in complaints relating to historical price paid data not being published. The group noted there was no increase as result of PPI and Transaction Data being published in a linked format.

FAQs

The FAQs were considered. **It was felt that following the reviews and changes undertaken over the last twelve months, the FAQs should be reviewed.** The group agreed that the order of the FAQs should be looked at and clarification should be provided where necessary and appropriate. This would assist members of the public.

Part 3 – Transaction Data

We took the opportunity to review the publication of Transaction Data. No new issues have been raised and steps have been taken in the last twelve months to clarify that the data related to those transactions which have been completed by registration Land Registry.

It was also made clear in the FAQs that the data related to those transactions where a Land Registry account number is used and would not include applications where other means of payment such as cheques are used. The impact on privacy was nil to low as the data related to professionals carrying on business and acting in a professional capacity.

The FAQs relating to Transaction Data will be reviewed and updated if necessary.

Part 4 - Historical Price Paid Data ('HPPD')

Background

What is HPPD?

HPPD contains records of the price paid for every single residential property sold at full market value between 1 January 1995 and 31 January 2012 in England and Wales. Some properties are excluded such as gifted properties. A full list of these exclusions can be found in our FAQs.

HPPD would need to be scheduled as a phased release:

- Phase 1 - 1 Jan 2009 – 31 Jan 2012
- Phase 2 - 1 Jan 1995 – 31 Dec 2008

The staggered release of HPPD will allow for re-formatting of the 1995 to 2009 data to bring it into line with the post-2009 data, making the full dataset more useable.

One of the main mitigating steps we took in March 2012 was to not publish HPPD. We took the view that it was too early in terms of understanding the impact of publication of free data to consider releasing HPPD.

This was reviewed each time we carried out a review of the privacy impacts.

In the January Report it was acknowledged there was great interest in HPPD but it was too early to understand its uses and the potential concerns. We agreed to increase our understanding of HPPD.

Our Approach

We undertook a privacy impact assessment of HPPD to consider whether the data is personal and whether the availability of the data is likely to impact on the privacy of individuals.

We considered the initial screening questions contained in the ICO's Handbook to determine whether we should consider if either a small scale or full scale impact assessment should be carried out. This is attached at **Annex A**.

We concluded that HPPD would identify the sale of a property at a point in time but would not identify the owner or individuals involved in the transaction. HPPD is historical information and therefore of no relevance to activity in the current market. It provides an historical snapshot showing when a property has changed hands and how often it has changed hands, but does not give any details of the transaction such as parties involved. We concluded that the benefit of HPPD is to provide baseline data and trend information but not to give specific information about individuals.

A Snap Survey conducted on the House Price Index asked general questions about HPPD. A variety of customers responded, including estate agents, local authorities and members of the public. An overview of comments is set out in **Annex B**. A total of 39 responses were received. These indicated that the intended use of HPPD could

vary from maintaining accuracy of property valuations, to research and historical trend analysis. We also received complaints from members of the public because HPPD was not being published.

The data is already in the public domain and we have not been aware of any issues. The queries we have dealt with regarding HPPD focus on the accuracy of the data.

HPPD comprises information dating back to 1995, and we considered whether a significant impact was caused by the fact that the register of title (which includes the price paid) was not open to public inspection prior to 2000. **We concluded that the impact was minimal as the public are able to request copies of transfers under the Land Registration statutory regime and invariably these contain the price paid for the property.** An FAQ is recommended to explain the position. Overall the privacy impact is considered to be low bearing in mind the historical nature of the data.

We considered whether any publication of HPPD would raise issues with existing subscribers and purchasers of HPPD. Our view was that existing customers will not be prejudiced as they already have the data and have been able to use it. Many of these customers have taken the lead in the market place as a result and have increased their capability and use of the data.

We concluded that HPPD is not personal but property related. HPPD gives a snapshot of a property price. It does not identify current owners nor in our view is it biographical or gives ownership information.

Part 5 – Summary of Recommendations

Recommendation 1

The wording of the attribution statements should be reviewed. This would clarify the source of the data.

It should be made clear that an attribution statement should be added when Transaction Data is used or published by third parties.

Recommendation 2

The FAQs need to clarify that PPI is a snapshot of the price paid for the property at a particular point in time and not a valuation of the property.

Recommendation 3

The FAQs for PPI and Transaction Data should be reviewed and updated.

Recommendation 4

If HPPD is to be published then FAQs should be prepared to explain the data.

Recommendation 5

A phased publication of HPPD should be considered to ensure that formatting work can be undertaken on pre 2009 HPPD.

Annex A

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?**
 - No. HHPD is older historical data and the method of publishing will not have the potential for privacy intrusion. The data is an historical snapshot and does not identify individuals.
 - The impact is minimal.
 - The data is property related and does not provide any information regarding the identity of the seller or buyer.

- 2. Does the project involve new identifiers, re-use of existing identifiers, or intrusive identification, identity authentication or identity management processes?**
 - No.
 - The only information it gives is the price and does not provide details of the seller or buyer.
 - Given the historical nature of the data it would be difficult to ascertain this.

- 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?**
 - No. The process or potential publication will not remove this. The data is anonymised and gives only property related information.
 - The data does not give names of owners.

- 4. Does the project involve multiple organisations, whether they are government agencies (such as in 'joined-up government' initiatives) or private sector organisations (such as outsourced service providers or as 'business partners')?**
 - No.

- 5. Does the project involve new or significantly changed handling of personal data that is of particular concern to individuals?**
 - The publication of HPPD does not involve any new or significantly changed handling of the data. The only difference will be that instead of sourcing the data from our production systems, the data will be published through the Enterprise Data Warehouse.

6. Does the project involve new or significantly changed handling of a considerable amount of personal data about each individual in the database?

- The data is property related and a snapshot. The publication of HPPD will not involve any changed handling of the data or a consolidation of data or cross-referencing as it is property related and not personal.
- The data is already in the public domain and any possible impact is minimal.
- The data does not, in our view, involve systematic disclosure.
- HPPD is the same as monthly PPI but is historical information if a property was sold.

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

- No.
- The same points as set out above were again made.

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

- No, for the reasons already discussed.

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?

- The data could be viewed by those outside of the UK. However, it is neither biographical nor personal.

Annex B – Snap Survey

Overview of the comments:

The data derives from the following respondents:

- members of the public
- legal professionals
- estate agents
- property Investors
- media
- chartered surveyors
- researchers
- local authorities/local government housing officers
- trade bodies.

Would you be interested in historical house price data? (This included Historical House Price Index and Price Paid Data)

<u>Base</u>	<u>39 responses</u>	<u>100%</u>
Yes	34	87.2%
No	5	12.8%

If Yes, please tell us how you might use it? (An extract of comments).

- maintain value of two properties
- analyse historical trends/comparisons at all levels
- to assist in accuracy of property valuation
- always useful to contextualise modern market places with previous times
- appraising purchases
- Research/graphics/decision Making
- Historic Price Paid data would be very useful.