

FOI Ref

9407

Response sent

23 July 2021

(CCC) PH Funerals

This is a new request for new information only. This is not a repeat request. Please could you kindly send me any information you may hold relating to 'public health act' or 'welfare' or 'contract' or 'paupers' funerals having taken place or due to take place, and/or persons who have died with no known next of kin since 1/5/21 to the day of your reply. Please include:

1. full names of deceased persons,
2. dates of death,
3. marital status,
4. maiden surnames of married or widowed females,
5. dates of birth or ages at death,
6. last known addresses,
7. estimated value of estates,
8. date(s) when the information was passed (or information that is about to be or likely to be passed) to the Government Legal Department (formerly Treasury Solicitor) or the Duchy of Lancaster or Cornwall or any other 3rd party, or, confirmation that this will not be happening and the reason why.

If your authority holds this information on your website, please confirm whether or not your website information is up to date and send the link. If it is not please provide full details of any unpublished cases, as per the questions above.

Response

I can confirm that Cambridge City Council holds this information. The information you have requested is being withheld because a number of exemptions apply.

Some of the information requested is available under open data and can be accessed from our website at <https://www.cambridge.gov.uk/open-data-transparency-in-local-government>. This information is exempt under section 21 of the Freedom of Information Act. This is an absolute exemption. All information published under open data is provided for re-use under the terms of the Open Government Licence.

Information relating to the date of birth and maiden name of those given public health funerals is exempt from disclosure by virtue of exemptions under section 22 and 31 of the Freedom of Information Act. Information relating to value of any estate and the address of the deceased is exempt from disclosure under section 31 of the Freedom of Information Act.

Under section 22 of the Freedom of Information Act an exemption applies where information requested is intended for publication at a future date. In the event of referral of this estate to the Bona Vacantia Division of Treasury Solicitors Office the details of the estate will be published via their Unclaimed Asset List which is updated on a daily basis. This information; where it exists will be published as part

of this process.

Under section 31(1)(a) of the Freedom of Information Act, an exemption applies where disclosure would be likely to prejudice the prevention or detection of crime. Disclosure of information on the assets of estates of deceased individuals before steps had been taken by the Treasury Solicitor to secure the assets could interfere with the statutory function to collect bona vacantia (ownerless goods) vested in the Crown and would provide an opportunity for criminal acts to be committed, either through crimes against property, anti-social behaviour or identity fraud. Cambridge is an area of high levels of identity fraud (CIFAS Fraudscape 2020), publishing of excessive identifying information may add to the mosaic effect of identification of individuals and could facilitate identity theft.

In applying these exemptions the council has taken into consideration the information held relating to deceased persons and their estates, the reasons for holding such information and the processes that the council undertakes in order to carry out its duties. The council has a duty under the Public Health (Control of Disease) Act 1984 to organise a funeral for persons who have died in their area where it appears that no suitable arrangements have been made. The council is also entitled to recover the costs of any funeral from the estate of the deceased. The council will use the information available to trace those responsible for the estate in order to recover these costs. In cases where there is a residual estate and no next of kin details will be passed to the Treasury Solicitor in accordance with their guidelines for referring Bona Vacantia Estates. At this point information relating to the deceased's estate will be made available to the public via the Unclaimed Asset List.

The exemptions under section 22 and 31 are both subject to public interest, which means that the council must consider the public interest arguments for and against disclosure and decide whether or not to maintain the exemption in light of these factors. There is an inherent interest within the Freedom of Information Act that public disclosure promotes better government through transparency and accountability. With specific reference to public health funeral information there is also the view that disclosure of this information could assist the process of identifying those who have an entitlement to the estates of the deceased.

There is also a strong public interest in maintaining these exemptions. The process of public health burial and referral of estates to the Treasury Solicitor allows time for the authority to trace next of kin or those with a responsibility for the deceased. This also allows for estates to be secured, and can minimise risk of crimes being carried out either against the estate or from theft of the deceased's identity. The public interest in favour of maintaining this exemption is concerned primarily in prevention of crime and the efficient use of public resources by reduction in crime.

In deciding where the balance of public interest lies in respect of these exemptions it is therefore to balance these factors. Given that there is already a process for the identification of estates to the general population and the strong public interest in

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the avoidance of crime and therefore the avoidance of public expense and ensuring the efficient use of public resources the council feels that the balance of public interest lies in the maintenance of the exemption.

Further queries on this matter should be directed to foi@cambridge.gov.uk