

PUBLIC HEALTH (WELFARE) FUNERALS AND BONA VACANTIA

FREEDOM OF INFORMATION REQUESTS

We are frequently asked for information regarding public health funerals in Camden and information regarding the deceased's estates. Public health funerals also referred to as Parish or Welfare funerals occur if a person has died within the London Borough of Camden boundaries; and where it would appear that there are either no known next of kin and/or no other suitable arrangements are being made.

The Council has a statutory duty, under Section 46 of the Public Health (Control of Diseases) Act 1984 to register the deceased's death and to ensure they are given a basic dignified funeral in line with the deceased's religious/cultural beliefs.

S46 of the Public Health Act states that the Local Authority may recover all costs incurred whilst undertaking the arrangements from the deceased's estate.

Where funeral arrangements have already been made, taken place or if the deceased had a last Will and Testament the Local Authority is unable to become involved. The Council are unable to offer financial assistance for private funerals.

We publish some information proactively on our Open Data Portal. You can access the data set here <https://opendata.camden.gov.uk/Your-Council/Camden-Public-Health-Funeral-Costs/8ey5-txb8/data>

We do not provide information about referrals to the Government Legal Department as this data is available on the Bona Vacantia website and is updated every week. This is the link <https://www.gov.uk/government/organisations/bona-vacantia>

We publish the costs on our dataset, however these constantly change because the council endeavours to recover the costs it has incurred from the deceased's estate. The council is not able to provide more frequent updates to the information in the dataset. Information is updated monthly where possible, and always quarterly. The exemptions in sections 21 and 22 will apply to any requests for more frequent updates or information available on our website to the Bona Vacantia website.

The information we do not publish and will not provide under FOI requests is:

- Name
- Date of Birth
- Date of Death
- Home Address

We believe it is exempt under two exemptions.

Section 40(2) personal data. Although the deceased are no longer data subjects under data protection laws, they may have living relatives. We consider that the

information about the deceased may well allow living relatives to be identified. Many of the requests for this information are firms whose business is to seek out heirs and provide a legacy provision service, at cost or commission, to the bereaved. Whilst this may have some benefits for some relatives, we do not consider, on the whole that this will be fair processing to allow their data to be used in this manner by releasing data of the deceased. Therefore we consider that the absolute exemption in section 40(2) will apply.

Section 31(1)(a)- prejudice to law enforcement. Section 31 (1)(a) says that we do not need to provide information that would be likely to prejudice the functions of law enforcement- the prevention and detection of crime. Camden believes that releasing this information would increase the likelihood of

- Burglaries to the deceased's address as it will be known to be empty.
- Identity theft using the deceased's details.

Public Interest Test:

As Section 31 is a qualified exemption we need to consider the public interest test.

Factors in favour of disclosure

- It would help transparency and accountability of the council
- It would provide information to relatives who are unaware they have a deceased relative

Factors in favour of withholding

- There is an inherent public interest in crime prevention.
- There is public interest in avoiding the costs (financial, distress, inconvenience, publicity, regulatory) associated with the likely offences
- There is public interests in people not learning they have a deceased relative in this way, particularly from a legacy finding service

We believe that the balance of public interest lies in upholding the exemption and not releasing the information.

Advice and Assistance

The Government Legal Department Bona Vacantia website link is <https://www.gov.uk/government/organisations/bona-vacantia>

Our data set is available here <https://opendata.camden.gov.uk/Your-Council/Camden-Public-Health-Funeral-Costs/8ey5-txb8/data>

Further Information:

Why not check our Portal [Open Data Camden](#) before making a new request as your question may already be answered by a previous FOI response or in one of our many useful and interesting datasets.

Your Rights

Although you have the right of a review please note that we have considered this carefully and the council's position is unlikely to change without a change in the underlying law. However if you have made a FOI request and you are not happy with how your response was handled you can request an Internal Review within 2 months of being directed to this page email to foireviews@camden.gov.uk or post: Information and Records Management Team, London Borough of Camden, Town Hall, Judd Street, London WC1H 9JE. Please quote your case reference number. If you are not satisfied with the Internal Review outcome you can complain to the Information Commissioner's Office at casework@ico.org.uk telephone 0303 123 1113, or post to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. The ICO website www.ico.org.uk may be useful.