

VALUATION PRACTICE NOTE – CONFIDENTIAL INFORMATION

Version 1.0

Confidential Information for the purposes of section 68 of the Valuation Act 2001

1. Background and Context

1.1. Section 68 of the Valuation Act 2001, as inserted by section 37 of the Valuation (Amendment) Act 2015, places the long-standing practice of the Valuation Office in relation to dealing with confidential information on a statutory footing and provides important assurances to stakeholders who are legally obliged to provide such information to the Office.

1.2 Section 68 provides as follows:

“Prohibition against unauthorised disclosure of confidential information.

68.—(1) In this section ‘confidential information’ means information that is expressed by the Commissioner to be confidential either as regards particular information or as regards information of a particular class or description.

(2) Except in the circumstances set out in subsection (3), a person shall not disclose confidential information obtained while performing any function under this Act.

(3) A person does not contravene subsection (2) by disclosing confidential information if the disclosure—

(a) is authorised by the Commissioner,

(b) is made to the Commissioner or the Tribunal,

(c) is made to the Minister by or on behalf of the Commissioner or in compliance with this Act,
or

(d) is otherwise permitted by law”.

2. Purpose of this Practice Note

2.1 In accordance with section 68(1), the Commissioner of Valuation has expressed certain classes of information to be confidential for the purposes of section 68. These classes and descriptions thereof are set out in a Schedule which is contained at Appendix 1 of this Practice Note.

2.1 All such classes of information set out at Appendix 1 to this Practice Note are subject to the provisions of section 68.

Date: 15/9/2017

Appendix 1

Schedule of classes of information expressed by the Commissioner of Valuation to be confidential for the purposes of section 68 of the Valuation Act 2001

	Class	Description
1.	Details relating to Leases, Licences and Rental Information	<ul style="list-style-type: none"> • Lease or Licence agreement details including: term, parties, date, rent review frequency, initial rent, passing rent, date passing rent fixed, details of inducements, break options & penalties, repairing, insuring and other obligations, side agreements, abatements, stepped rents, turnover rents etc.
2.	Trading Information provided for the valuation of particular categories of rateable property including licensed premises, wind farms, nursing homes, hotels, service stations/fuel retail outlets	<ul style="list-style-type: none"> • Financial statements/accounts • Turnover and breakdown of turnover between various trading activities • Receipts and expenditure and details leading to calculation of fair maintainable trade • Throughput, price per unit, royalties, ex-pit prices relating to extraction of minerals etc. • Franchise, licence and solas agreements • Construction/redevelopment costs.
3.	Details of costs associated with the construction, maintenance and insurance of particular properties	<ul style="list-style-type: none"> • Site acquisition costs • Construction/redevelopment costs • Recurring maintenance and insurance costs.
4.	Information provided by Public Utility	<ul style="list-style-type: none"> • Segmental financial statements/accounts

	Undertakings as part of the global valuation process under section 53 of the Valuation Act 2001, as amended.	<ul style="list-style-type: none"> • Customer/subscriber numbers • Average revenue per subscriber • Costs, including equipment costs, construction costs, renewal costs, regulatory costs, revenue and cost impacts of regulation etc.
5.	Information relating to borrowings which may have been disclosed within other material provided to the Valuation Office	<ul style="list-style-type: none"> • Details of loans and borrowings over property, including legal and equitable charges, Mortgages and Debentures, Liens.
6.	Details of building plans and layout of properties	<ul style="list-style-type: none"> • Scaled site plans • Scaled floor plans.