

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 March 2012

Public Authority: Land Registry Head Office
Address: Trafalgar House
1 Bedford Park
Croydon
CRO 2AQ

Decision (including any steps ordered)

1. The complainant has requested information from Land Registry about the initial and subsequent sales of flats in a specified housing development dating from 1991, together with sales completion dates. Land Registry advised the complainant that the requested information was available in hard copy or via its website on payment of a fee, but failed to reference any exemption under the Freedom of Information Act 2000 (FOIA). Land Registry has confirmed it was relying on section 21 of the FOIA in that the information is reasonably accessible to the complainant.
2. The Information Commissioner's decision is that Land Registry was correct in considering that the requested information is reasonably accessible via the means specified to the complainant; however Land Registry breached the FOIA by failing to respond to the request under the FOIA and by not issuing a valid refusal notice.
3. The Information Commissioner requires no steps to be taken.

Request and response

4. On 4 November 2011, the complainant wrote to Land Registry and requested information about the original sales prices of flats in a residential development [address redacted] in 1991, together with the dates these sales were completed. She also requested sales prices for subsequent sales of the flats in this development and completion dates for these sales.

5. Land Registry responded on 7 November 2011. It stated that the information would be contained in the leases and transfers of the various flats, copies of which were available for which a specified fee.
6. Following an internal review Land Registry wrote to the complainant on 28 November 2011 upholding its original decision. It advised the complainant that the copy documents were available to order online for a reduced fee.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way her request for information had been handled. She was concerned that Land Registry had not issued a refusal notice in dealing with her request.
8. The Information Commissioner has considered whether the requested information is reasonably accessible to the complainant by other means.

Reasons for decision

9. Section 21(1) of FOIA can be applied when all the relevant requested information is reasonably accessible to the applicant. It is an absolute exemption and so there is no public interest test.
10. The Information Commissioner's guidance on section 21 explains that charges may be made in circumstances where there is a statutory scheme under which information is provided for a fee, or where the information is provided under the public authority's publication scheme and the scheme indicates that a charge may be made.
11. In its correspondence with the Information Commissioner, Land Registry explained that where the land in question is registered, it will usually hold scanned copies of the transfers or leases of the land which will include the price paid and completion dates. In this case Land Registry has confirmed that the information requested is available under section 66 of the Land Registration Act 2002 and also the Land Registration Rules 2003.
12. Land Registry confirmed that under section 66 of the Land Registration Act 2002 any person may inspect and make copies of or any part of registers, title plans and any documents which are referred to in the register or any other document kept by the registrar relating to an application. Land Registry specifies the forms individuals should use and

said that in this case, a form OC2 should be used accompanied by the appropriate fee (stating £12 is payable for each copy of a document or letter).

13. Land Registry advised the Information Commissioner that it would normally inform applicants that information such has been requested in this case is exempt by virtue of section 21 of FOIA, outline their right to complain to the Information Commissioner and refer to the applicable section within the Land Registration Act 2002. It acceded that it should have responded in accordance with the requirements of FOIA in this case, and explained that on this occasion the complainant's correspondence had not been forwarded the Freedom of Information Officer at Head Office before reply.
14. The Information Commissioner has noted that Land Registry has also detailed how such information can be accessed in its publication scheme and public guides available on its website, both of which make it clear as to the fees which will be charged.
15. The Information Commissioner has concluded that the information the complainant requested is reasonably accessible via other means. The requested information can be obtained electronically or in hard copy on payment of a reasonable fee.
16. The complainant asked the Information Commissioner to consider that no refusal notice was issued in response to her request. He agrees that Land Registry breached the FOIA in not handling the request under the FOIA and in not issuing a refusal notice. He is however satisfied that Land Registry would normally respond to such requests in accordance with FOIA and has noted its explanation as to why this did not happen on this occasion.

Right of appeal

17. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

18. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
19. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Lisa Adshead
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