

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 2005

Name of Public Authority: Land Registry

Address of Public Authority: Head Office
Lincoln's Inn Fields
London
WC2A 3PH

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 12 February 2005 the following information was requested from the Land Registry under section 1 of the Freedom of Information Act 2000 (the "Act"):

"Production of the registered Legal Charge SX46879."

It is alleged that the Land Registry refused to supply the information requested by the complainant.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

(1) On 15 February 2005 the Land Registry informed the complainant that the information she had requested was not held. In a further letter dated 18 February 2005, the Land Registry informed the complainant of her right to request an internal review of the handling of her request. The internal review was undertaken and the outcome communicated in writing to the complainant on 2 March 2005. The conclusion of the review was that the information requested by the complainant is not held by the Land Registry.

(2) The Land Registry has further confirmed that Legal Charge SX46879 was discharged on 21 August 1963 and that an application was lodged to remove the entries relating to the charge from the register on 28 August 1963. From that date, the Land Registry confirms that the charge ceased to have any effect and could therefore legitimately be destroyed.

(3) Papers retained at the Land Registry in connection with an application for registration are filed under the relevant title number. Papers relating to applications received within particular time periods were originally held in very specific files. Between April 1984 and December 1988, the contents of several files were examined and were either moved to another file, or destroyed. As the entries relating to charge SX46879 were removed from the register with effect from 28 August 1963, the Land Registry confirms that this document would not have been moved to another file. The Land Registry states that although no records detailing the destruction of documents are held, it is reasonable, in all the circumstances, to conclude that registered charge SX46879 was destroyed.

The Commissioner's decision is that registered charge SX46879 is not held by the Land Registry and therefore cannot be provided to the complainant. The Land Registry is consequently not in breach of section 1 of the Act.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 277
Arnhem House Support Centre	Fax:0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the day of 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF