

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 September 2016

Public Authority: Department for Communities and Local Government

Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant has requested information regarding a Right to Buy agreement. The Department for Communities and Local Government (the DCLG) provided the information it held but the complainant considered it held more than that provided.
2. The Commissioner's decision is that the DCLG holds no further information falling within the scope of the request other than that provided.
3. The Commissioner does not require the DCLG to take any steps.

Request and response

4. On 21 January 2016, the complainant made the following request to the DCLG:

"All the information contained in the agreement made between Government and the National Housing Federation on or around 7th October 2015 relating to the right to buy extension to housing association tenants.

Please provide the information in electronic form, with copies of signed documents where possible.

If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under your

Section 16 obligations, as to how I can refine my request to be included in the scope of the Act.

In any case, if you can identify ways that my request could be refined please provide further advice and assistance to indicate this."

5. The DCLG responded on the 9 February 2016 stating that the information is contained in the Written Ministerial Statement by the Secretary of State and provided a link to it.
6. The complainant requested an internal review on the 11 February 2016 as he did not consider that the DCLG had provided him with a full response to his request. The complainant explained that his request covers all the terms of agreement such as full terms of offer and of acceptance. He would expect this to be on several documents.
7. The complainant considers that the link provided only provides a government statement referring to only some of the agreement in question.
8. The DCLG provided its internal review on the 10 March 2016 upholding its original response and that no other information is held.
9. The DCLG did further explain that The National Housing Federation proposed an offer to the Government to extend the Right to Buy discounts to housing association tenants and this offer was accepted by the Government and the Written Ministerial Statement, provided as a web link, which sets out the acceptance of this offer.

Scope of the case

10. The complainant contacted the Commissioner on the 24 March 2016 as he is not satisfied that he has been provided with all of the information held by the DCLG.
11. The Commissioner considers that the scope of the case is to determine whether the DCLG has provided the complainant with all of the information it holds within the scope of the request.

Reasons for decision

12. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the

request, and if so, to have that information communication communicated to him.

13. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions must decide whether, on the civil standards of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).
14. In this case, the Commissioner wrote to the DCLG to determine what searches it carried out in order to determine whether it had provided all the information it holds for this request.
15. The DCLG has responded to the Commissioner explaining that the Right to Buy Policy Team have lead responsibility for the Right to Buy policy. So no searches were necessary as this team confirmed that all the information contained in the agreement was included within the Written Ministerial Statement and the National Housing Federation offer to the Government was publicly available.
16. The DCLG has confirmed that any information within the scope of the request would be held by the Right to Buy policy team and not by any other department and the information is held in electronic form only.
17. The DCLG has explained to the Commissioner that as the only information held was known to be contained with this team only, no further searches were carried out as the team is aware that there is no other information to search for. It also confirmed that no information has been deleted or destroyed relevant to the request.
18. The complainant has told the Commissioner that he considers that the DCLG would hold documents recording the terms of agreement and an offer of acceptance.
19. The DCLG has told the Commissioner that as stated to the complainant, this information is not held as the acceptance was the Written Ministerial Statement, accepting the offer proposed by the National Housing Federation to extend the Right to Buy equivalent discounts to 1.3m housing association tenants. The National Housing Federation's offer is publicly available on their website. There is, therefore, no need for any further documentation.
20. The DCLG has clearly stated to the Commissioner no further information is held and has confirmed that there is no business purpose or statutory requirements for it to hold any other recorded information falling within the scope of the request.

21. With this, the Commissioner understands why the complainant may consider there to be more information held, falling within the scope of his request, than that provided. However, the DCLG has confirmed to the Commissioner that it has approached the relevant department to establish what information is held and has offered a reasonable explanation as to why this is all that is held.
22. Therefore, the Commissioner finds, on the balance of probabilities, that no further information is held within the scope of the request.

Right of appeal

23. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

24. 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.
25. 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

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF