

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 February 2019

Public Authority: Ministry of Housing, Communities and Local Government

Address: Fry Building
2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant requested information relating to the Ministry of Housing, Communities and Local Government (the MHCLG)'s database relating to compulsory purchase orders. The MHCLG provided some information to the complainant however it also applied the exemption in section 31(1)(a)(law enforcement) to other information. During its review it provided further information to the complainant but still maintained the exemption for other information. Following a further, different, request however it disclosed the remaining information to the complainant.
2. The Commissioner's decision is that the MHCLG has now responded to the complainant's request as required by section 1(1)(b), however it failed to comply with section 10(1) of the Act in that it did not provide the information to the requestor within 20 working days.
3. The Commissioner does not require any steps.

Request and response

4. On 12 February 2018 the complainant wrote to the MHCLG and requested information in the following terms:

"Please provide details of any database or other data storage system used in relation to compulsory purchase orders.

In the case of electronic storage systems please specify:

- 1) The language in which the database is written*
- 2) The software used*
- 3) List of information stored in database, eg. address of property, compensation awarded, owner, local authority etc.*
- 4) Backup frequency"*

5. The MHCLG responded on 13 March 2018. It provided some information in response to parts 2, 3 and 4 of the request. It said that information was partially held in physical form and other information was stored in digital. It said that some information was stored on a database, and disclosed the fact that this was called PlanET. It provided further information in respect of the information which was held on this database and explained the back-up frequency which it employs. It did not seek to apply any exemptions at that time. This response provided responses in respect of parts 2 and 4 of the request.

6. The complainant wrote back on 15 March 2018 requesting that it carry out a review of its decision. He specified that:

"I am writing to request an internal review of Ministry of Housing, Communities and Local Government's handling of my FOI request 'CPO Database'.

The basis of the review is that in our request we asked for a list of the types of information stored in the database which you have confirmed is PlanET.

You have only provided a few examples of the types of data stored in PlanET - please could you provide a full list as requested."

7. Following an internal review the MHCLG wrote to the complainant on 28 March 2018. It said that its initial response had not been considered under the FOI Act and that it had simply taken the request as a normal course of business request and dealt with it as such. It therefore revised its position and provided a response to part 3 of the request, however it

applied the exemption in section 31(1)(a) to parts 1), 2) and 4) of the request.

8. On 28 March 2018 the complainant made a further request to the MHCLG for other information. The request was related to the above request in that the requested information was similar, however it was a completely separate request. The request did however ask the MHCLG to specify '*details such as database language and field names (including set field values)*'. The MHCLG's response is taken into account in this decision notice, however the complainant did not make a complaint about its response to this request to the Commissioner and so this request is not specifically considered further in this decision notice.
9. The MHCLG responded again refusing the request under section 31 and referred the complainant back to its response relating to the request under consideration in this case. However in its internal review of this request, dated 30 May 2018, it clarified the language which the database uses. This responded to point 1 of the complainant's request for information. It said however that it could not provide any further information as this remained exempt under section 31.

Scope of the case

10. The complainant contacted the Commissioner 30 April 2018 to complain about the way his request for information had been handled. He said that the MHCLG had not disclosed all of the information he had requested in response to his request.

11. He said that:

"Some but not all of the details were disclosed. Requested IR but information relating to database language and software used was withheld under s31.

Our position is that they could have at least released the language as this would not by itself be useful to criminals, as it would not include other information such as version number, server system etc. The same goes for the software. One factor not considered in the public interest test is that disclosure would allow requestors to know what information is retrievable while remaining within the cost limit".

12. The Commissioner notes that these factors relate to parts 1 and 2 of the request for information. The Commissioner notes however that in his request for review, the complainant did not raise this as an issue with the MHCLG's initial response to parts 1 and 2. He only raised an issue with the MHCLG's response to part 3 of the request. The MHCLG

subsequently responded to part 3 by providing screenshots of its database, and this issue was not raised by the complainant in his complaint to the Commissioner. Neither was the MHCLG's response to part 4, the back-up frequency raised by the complainant in his complaint. The Commissioner has not therefore considered the MHCLG's response to parts 3 and 4 of the request further in this decision notice.

13. The Commissioner has therefore considered what information remains unanswered from the initial request for information of 12 February 2018.

- As regards part 1 of the request the MHCLG responded on 30 May 2018 providing the database language used.
- As regards parts 2 of the request the MHCLG responded on 13 March 2018 confirming that the software used is a database called Planet. The complainant did not explain to the Commissioner how he considers that the information which was provided failed to meet the terms of his request. Neither did he ask the MHCLG for further information relating to this in his request for review. The Commissioner therefore considers that this part of the request was also responded to by the MHCLG with this response.
- The MHCLG provided information relating to the fields which the database uses in its internal review response of 28 March 2018. By providing screenshots of the database the MHCLG responded to part 3 of the request.
- It also provided details of the back-up frequency in its initial response of 13 March 2018.

14. Other than to initially raise issues with its first response to part 3, the complainant did not say to the MHCLG that the information which it had provided did not fully respond to his requests. Part 3 of the request was subsequently responded to in the MHCLG's internal review. Further information was also provided in response to his second request for information relating to the database.

15. This being the case, the Commissioner considers that between its various responses to the complainant the MHCLG has now responded to all parts of the request.

16. The only issue which therefore remains for the Commissioner to consider is whether the MHCLG responded in accordance with section 10 of the Act.

Reasons for decision

17. Section 10 of the Act provides that

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

18. The complainant made his request for information on 12 February 2018.

19. The MHCLG provided a response to parts 2 and 4 in its initial response of 13 March 2018.

20. It provided a response to part 3 in its internal review of 28 March 2018.

21. It provided a response to part 1 of the request on 30 May 2018.

22. Having considered the above, the Commissioner is satisfied that the MHCLG did not respond to the complainant's request within 20 working days. She has therefore decided that the MHCLG did not comply with the requirements of section 10.

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
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