

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 22 August 2023

**Public Authority:** Department for Levelling Up, Housing and Communities

**Address:** 2 Marsham Street  
London  
SW1P 4DF

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the Department for Levelling Up, Housing and Communities (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
  - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 10 May 2023, the complainant wrote to the public authority and requested information in the following terms:

"My FOI request is about the H-CLIC data the Government collects from councils on statutory homelessness.

Please can you answer the following questions with the data from each quarter from April 2018 onwards.

- For all households with the support need 'At risk of/has experienced domestic abuse', please can you provide me with a breakdown of the outcome of the main duty decision for households in this group per each quarter.
- Please can you also provide me with the total number of people in each quarter that were moved onto a caravan or houseboat (including through prevent, relief and main duties). Please can this figure be broken down by support need (i.e. X number of 16-17 year olds moved to caravan, X number of former asylum seekers)
- Please also provide for each quarter how many applicatoins [sic] have been received from people living in student accommodation."

6. On 7 June 2023, the public authority asked the complainant to clarify the information being requested.

7. On 8 June 2023, the complainant clarified the request, confirming that the information to be provided in response to the first two parts of the request should be at a "household level" and with regard to the third part of the request, the complainant clarified:

"Please can you provide both the total number of initial assessments, as well as the total owed a prevention and the total owed a relief duty."

8. On 16 June 2023, the public authority sought to clarify the request further, asking the complainant if they would be happy to narrow the request to "April 2021 onwards" as they had estimated the original timeframe would exceed the cost limits.

9. The complainant submitted their clarified request to the public authority on 16 June 2023, confirming that they were:

"happy to narrow the scope of my request to April 2021 onwards."

## Reasons for decision

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10. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

11. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.

12. On 3 August 2023, the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s clarified request of 16 June 2023, within 10 working days.

13. Despite this intervention the public authority has failed to respond to the complainant.

14. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

## Right of appeal

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15. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

16. 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.
17. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**