

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 November 2024

Public Authority: Companies House

Address: Crown Way
Cardiff
CF14 3UZ

Decision (including any steps ordered)

1. The complainant requested from Companies House (CH) information regarding "H M Residential Limited" – registered company. CH applied section 21 (information accessible to the applicant by other means) of FOIA to the request.
2. The Commissioner's decision is that the information is reasonably accessible to the applicant by other means, and CH was entitled to rely on section 21 of FOIA in response to this request. The Commissioner does not require CH to take any steps as a result of this decision.

Request and response

3. On 13 May 2024 the complainant wrote to CH and requested information in the following terms:

"Please provide and advance the following information:

1. Has there been any company called 'H M Residential Limited' (case sensitive! Spaces/gaps) registered in the register kept by Companies House?
2. Has there been any company called 'H M Residential Limited' (case sensitive! Spaces/gaps) registered in the register kept by Companies House, In particular in the years 2023 and/or 2024?

3. If so, please provide and advance the company number, the registered office address, the address for legal service, the name of the directors.
4. And please provide and advance the information whether such company was registered and was trading in the years 2023 and/or 2024."

Reasons for decision

4. This reasoning covers why CH was entitled to apply section 21 of FOIA to this request.

Section 21 – information accessible to the applicant by other means

5. Information is exempt from disclosure if it is accessible to the applicant by other means.
6. Section 21 is an absolute exemption which means there is no requirement to carry out a public interest test if the requested information is exempt.
7. Unlike most exemptions, the circumstances of the applicant can be considered, as the information must be reasonably accessible to the particular applicant.
8. It is reasonable for a public authority to assume that information is reasonably accessible to the applicant as a member of the general public until it becomes aware of any particular circumstances or evidence to the contrary.

CH's position

9. CH responded to each of the questions within the request. With regard to question 1, CH informed the complainant that information such as this is reasonably accessible to him under FOI and is exempt from disclosure under section 21. However, to be of assistance, it said a search had been completed of the records it holds, and two companies in the name of HM Residential Limited were found to be registered at CH.
10. With regard to question 2, CH maintained its position to rely on this exemption, but to be helpful, it guided the complainant to where he can view information from the company record.

11. CH also informed the complainant that further information is accessible to him regarding question 3, and that its response to question 4 is the same as its response to question 2 of the request.
12. The complainant considered his request had not been answered and said CH had "replied regarding a former company 'HM Residential Limited' which changed their name in 2023...". He asked CH to provide the information requested concerning "H M Residential Limited" (spelled with a space between the 'H' and the 'M').
13. The complainant argued "it is not accepted as lawful that spaces in company names are being disregarded by CH." He gave an example of HM Land Registry and H M Land Registry, stating that these are two separate entities "(although only distinguishable by a space...)". The complainant stated space(s) are distinguishable elements in company names, and reiterated his request for information about H M Residential Limited only and not regarding any former "HM Residential Limited".
14. CH maintained its position within its review response. It emphasised that the information requested is in the public domain and available for the complainant to search himself.
15. The complainant disagreed with the internal review response and added two further arguments. CH noted the examples which the complainant referred to, and it said these are for HM Land Registry which is a non-ministerial government department and is not registered as a limited company with CH. It informed the complainant that it provided him with a link to its guidance in relation to spaces in company names, and advised on how capital letters and spaces are disregarded in a company name. CH stated to the complainant that his assumptions about spaces in company names is incorrect. It also reminded him that he can conduct his own searches for a company name via the Companies House Search Service or to contact its enquires team for further assistance.
16. The complainant argued CH's position and CH acknowledged his comments. It also highlighted to the complainant that the position surrounding company names has been made clear to him, and in addition, it provided him to a link to the company names guidance.

The Commissioner's position

17. The Commissioner is satisfied the information requested is reasonably accessible to the complainant on CH's website. He acknowledges that this information is accessible to anyone wishing to search for company information. CH provided the complainant with links to the search service which would allow the complainant to click directly through to the search service.

18. By clicking on each of the names, the complainant would have access to the records for that company and copies of the documents filed by it.
19. The Commissioner notes that the complainant had not advised CH of any accessibility concerns, but he accepts CH provided the complainant with additional information to be able to make more focussed searches. There was no reason submitted from the complainant for not being able to conduct his own search, and the Commissioner acknowledges information is available free of charge to the complainant should he wish to access it. Alternatively, information can also be requested via CH's central enquiries team by telephone for a nominal fee.
20. Having viewed the exchanges with the complainant and CH, it is clear to the Commissioner that the complainant is dissatisfied with the way in which CH handles and considers company names. The Commissioner believes the complainant's arguments about the rules of company names is beyond the remit of FOIA, which only covers recorded information held by CH. As any information held within scope of the request is accessible to the complainant by other means, the Commissioner concludes that CH was entitled to rely on section 21 of FOIA in response to this request.

Right of appeal

21. 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

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

22. 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.
23. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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