

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 January 2012

Public Authority: The Valuation Office Agency
Address: Wingate House
93-103 Shaftesbury Avenue
London
W1D 5BU

Decision (including any steps ordered)

1. The complainant has requested "specifically what tenancies/ agencies/newspapers and shop window adverts were used to determine the local reference rent (LLR) for a two bedroom caravan in the CT postcode area (Canterbury)". The Valuation Office Agency (VOA) did not respond to this request.
2. The Commissioner's decision is that in not responding to this request the VOA has failed to comply with section 1(1)(a) of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request.
4. The public authority must take these steps 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 (or the Court of Session in Scotland) pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

Request and response

5. On 12 July 2010, the complainant wrote to the VOA and requested information in the following terms:

“specifically what tenancies/agencies/newspapers and shop window adverts were used to determine the local reference rent (LLR) for a two bedroom caravan in the CT postcode area (Canterbury).”

6. The VOA has not responded to this request.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way his request for information had been handled.
8. The Commissioner wrote to the VOA on 24 November 2011, to explain that from the information which had been sent to the Information Commissioner's Office (ICO), it did not appear that the VOA had responded to this request. The Commissioner asked whether the VOA had responded to this request and explained that if a response had not been provided then the VOA should respond to this request. The VOA did not respond to the Commissioner.

Reasons for decision

9. 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,”
10. In this case the VOA has not responded to the complainant's request and therefore it has not confirmed whether or not it holds information relevant to the scope of that request. It has not therefore complied with section 1(1)(a) FOIA.

Right of appeal

11. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

12. 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.
13. 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

Pamela Clements
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