

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 September 2014

Public Authority: Homes and Communities Agency

Address: Fry Building
2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant has requested information in regards to the registration details of Hacknington Self Help Housing Co-operative. The Homes and Communities Agency (HCA) advised that it has no record of this organisation.
2. The complainant contacted the Commissioner as he considers the HCA does hold the information requested.
3. The Commissioner's decision is that the HCA does not hold the information requested.
4. The Commissioner does not require the HCA to take any steps.

Request and response

5. On 10 march 2014, the complainant wrote to HCA and requested the following information about Hacknington Self Help Housing Co-operative:
 - *"Details of its registration via HSLUG (Hackney Short Life Users Group) 1980-1982*
 - *Details of its founder members 1980-1982*
 - *Details of its licence with HSLUV (Hackney Short Life Users Group) 1981-1982*

- *Any other registration documents from the London Borough of Hackney 1981-1982*
 - *Any other useful correspondence*
 - *Details of any affiliated organisations with Hacknington 1981-1982"*
6. HCA responded on 21 March 2014 explaining that it was interpreting the use of the term 'registration' as referring to Hacknington Self Help Housing Co-operative as being registered as the provider of social housing.
 7. HCA advised that it does not hold the requested information.
 8. The complainant requested an internal review on the 2 April 2014 and the HCA provided its review response on 30 April 2014. HCA maintained its original position.

Scope of the case

9. The complainant contacted the Commissioner on 2 May 2014 to complain that the HCA had not provided him with the information he has requested.
10. The Commissioner considers the scope of the case is to determine whether the HCA is correct when it says that it does not hold the requested information.

Reasons for decision

Section 1 of the FOIA – Held/ Not Held

11. Section 1 of the FOIA states that a person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds the information within the scope of the request, and if so, to have that information communicated to him.
12. Where there is a 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, applies the civil standard of the balance of probabilities.

13. Therefore the Commissioner must decide whether, on 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. The Commissioner has asked the HCA to explain the types of searches it has conducted in order to determine the information requested is not held.
15. The HCA explained to the Commissioner that in 2012 it took over the functions of the Tenants Services Authority becoming the Social Housing Regulator of Registered Providers (RPs). The HCA therefore provides two core functions, one as regulator and one as investor in housing and regeneration.
16. The registration of RPs is managed by the Regulation directorate of the HCA so that is where it focussed its searches for the information requested.
17. The HCA has told the Commissioner that if the information were held, it would be held electronically. It uses a Customer Relationship Management system (CRM) to store the registered addresses and correspondence addresses of RPs. The CRM is also used to collect and store the registration details, documents, constitutions and annual accounts of RPs.
18. The HCA explained to the Commissioner that a name search was used on the CRM but the search provided no results. The HCA also contacted the registration team to see if they held any archived information on Hacknington Self Help Housing Co-operative (HSHHC) or Hackney Short Life User Group (HSLUG) or if the organisations had ever changed their name so a search could be done on a previous name.
19. The Registry Manager confirmed that neither organisation had ever been registered under those or any other name.
20. The HCA has advised that other than the names of the organisations in question, it also used a keyword search for 'Hackney'. This produced three results in the system:
 - a) Hanover in Hackney
 - b) The Hackney Housing Co-operative
 - c) Hackney Homes
21. HCA has confirmed to the Commissioner that none of these are the organisations in question, nor are they affiliated or a new name for HSHHC or HSKUG

22. The HCA has told the Commissioner that it has also used the search engine Google in an attempt to ascertain the existence of both HSHHC and HSLUG or if their names had changed. The HCA located no results for either organisations name.
23. A search was also performed on HCA's published list of RP's, which provided no results.
24. The HCA has advised the Commissioner that if either HSHHC or HSLUG were RPs then it would need to hold some of the requested information to ensure they were registered and to regulate them.
25. This is because it is a statutory requirement to keep details of registration, but it isn't a requirement to have details of board members of founding members. HCA has stated to the Commissioner that it is required under legislation to maintain a register of providers and make that register available to the public. However, there is no statutory definition of the register and what HCA has to maintain, but its policy decision was that the register would be the corporate identity of the provider, its registration certificate, governing documents and the latest set of its annual accounts.
26. The complainant has told the Commissioner that in May 1996 a similar request was made for these documents and they were provided to him then, accompanied with invoices. The complainant states that on one invoice it stated "*To (name redacted), C/O [name redacted] esq, Hacknington Self Help/Kush Housing Co-op L3075*".
27. The Commissioner asked the HCA about this statement, in order to see if that would generate a lead to locating the requested information.
28. The council has told the Commissioner that from searching its records, it shows that Kush is an RP that it regulates, but was still unable to find any link to Hacknington on its systems or a Google search.
29. HCA also searched the records it holds on Kush but could not find any invoices or a letter to (name redacted). The HCA states that this may be due to its retention policy in which it holds information for 2-6 years depending on what the information is, and whether the RP is still registered. It also has a retention policy of 7 years for requests for information.
30. The Commissioner sees that the invoice from 1996, when considering the HCA's retention policies, is more than likely not going to provide much in the way of lead for the HCA in locating the requested information.

31. On considering this and the searches that the HCA has performed in order to try and establish if the information is held, or even establish the existence of HSHHC or HSLUG, it appears to the Commissioner that, on the balance of probabilities, the information requested is not held by the HCA.
32. As the Commissioner's decision is that the information requested is not held, he does not require HCA to take any steps in this case.

Right of appeal

33. 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

34. 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.
35. 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
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Cheshire
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