

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 December 2022

Public Authority: HM Land Registry
Address: Trafalgar House
1 Bedford Park
Croydon
CR0 2AQ

Decision (including any steps ordered)

1. The complainant has requested from HM Land Registry (HMLR) its HR sickness absence record, absence recording template, details of the employee instructions around recording sickness absences and copies of any policies as to how sickness information should be recorded and stored.
2. The Commissioner's decision is that HMLR has now provided the information held within the scope of the request.
3. The Commissioner does not require HMLR to take any remedial steps in this case.

Request and response

4. On 14 September 2021, the complainant wrote to HMLR and requested information in the following terms:

'I am writing to request information under the Freedom of Information Act 2000. My requests relates to any information you have relating to the Fusion sickness recording system, policy

document in how it works, a sample employee sickness absence record spreadsheet template showing all columns including the column for sickness absence reasons.

I also require information as to the individual coded sickness categories (including migraine/stress) and cold/flu, which are available to record a sickness absence, and how information is stored and checked for accuracy.

I would be interested in any information held by your organisation regarding my request. If you need further clarification please contact me by email.'

5. HMLR responded on 12 October 2021. It stated that:

'In accordance with Section 1(1) of FOIA we can confirm that HM Land Registry does hold recorded information in relation to this matter.

A copy of the 'Sickness Policy', 'Managing a sickness checklist', 'Absence reasons list' and 'Recording a sickness absence' guidance is enclosed.

We have provided a list of the employee sickness absence record headers below.

- Employee Person Number
- Employee First Name
- Employee Last Name
- Grade
- Organisation Name
- Per Location
- Cost Centre
- Directorate
- Absence Start Date
- Absence End Date
- Absence Type
- Absence Reason
- Manager Name
- Absence Days
- Absence Count
- Week Days Worked
- Weeks Absent

6. The complainant wrote to HMLR on 13 October 2021 and stated:

'Thank you for your email dated yesterday with attachments.

Please send the following items which have been omitted:

1. The sample Fusion "sickness absence record spreadsheet template *"showing all columns including the column for sickness absence reasons"* - please see my FOI request letter to you of 14 September 2021.

2. Please provide Fusion sample employee (self serve) screens for recording sickness absence.

3. Please provide the instructions to employees as to how to complete the computerised sickness record screens for themselves.

4. Please provide information/policy documents/procedures as to how employee sickness absence data is stored and checked for integrity and accuracy (e.g. audit trails, who has access) and what is done if an alert is received from an employee or otherwise that sensitive sickness absence data has been compromised or is inaccurate.

Please reply by return as the above items should have been included in your FOI response.'

7. Following an internal review HMLR wrote to the complainant on 10 November 2021. It stated that:

'On review of your request and the information sent to you in that response, it is my conclusion that we responded fully to the request as worded in your email of 14th September under the Freedom of Information Act 2000 (FOIA).'

Scope of the case

8. The complainant contacted the Commissioner 16 October 2021 to complain about the way their request for information had been handled. The Commissioner identified that the complainant had not provided sufficient evidence to support their complaint and asked the complainant to provide the internal review response.
9. On 11 November 2021 the complainant provided the internal review response. The Commissioner then contacted the complainant to advise that their case was now considered to be eligible.

10. During the course of the investigation HMLR provided further information to the complainant in relation to their request.
11. The Commissioner considers the scope of this case is to determine whether HMLR have provided all held information within the scope of the request.

Reasons for decision

12. 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."

13. In cases where there is a dispute over whether information is held, the Commissioner applies the civil test of the balance of probabilities in making his determination. This test is in line with the approach taken by the Information Rights Tribunal when it has considered whether information is held.
14. The Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the public authority to check whether the information is held, and any other reasons offered by the public authority to explain why the information is not held. He will also consider any reason why it is inherently likely or unlikely that information is held.
15. In their complaint the complainant said that a number of items requested had not been provided. The items were listed by the complainant as being:

'HR sickness absence record template showing all columns inc the column for sickness absence reason -HR sample employee self serve screen for recording sickness absence -Instructions to employees as to how to complete computerised sickness records -Information/policy docs as to how sickness records are stored and checked for integrity e.g.audit trails and what is done if an alert is received about an error or that a sickness record has been compromised'
16. As part of the supporting documents provided to the Commissioner, the complainant has included documents provided to them in

response to Subject Access Requests (SAR) made to HMLR in March 2019 and on 11 August 2021 which appeared to show a discrepancy between the information provided in the SAR and the information provided in the FOI response.

17. As a result of this apparent discrepancy the Commissioner contacted HMLR and asked:

'In the FOI response HMLR has provided the headers used to record sickness in list format rather than the actual spreadsheet used for sickness management recording. In the SAR response this has been provided as a screen shot of the actual spreadsheet/ recording document. It seems that there are some headers included in the FOI response which are not on the screen shot and vice versa.

1. The Commissioner would like HMLR to explain why there is a discrepancy in the information provided as above and why a copy of the sickness record management system was not provided to the complainant as requested?.'

18. HMLR responded and requested the following:

'In the attached letter you refer to a discrepancy between the information provided in the SAR and the information provided in the FOI response. To ensure our response is as accurate as possible given the large volume of correspondence we have, it would be helpful if you would send me the relevant documents. I will then consider this matter further.'

19. The Commissioner responded to HMLR and advised that an attachment which showed a screen shot of the HMLR sickness record management system appeared to be different and hold different information to that which had been provided to the complainant in a separate SAR.

20. HMLR responded and stated:

'You have asked HM Land Registry to 'explain why there is a discrepancy in the information provided (to the complainant)...and why a copy of the sickness record management system was not provided to the complainant as requested'.

Alleged discrepancy in the information provided to the complainant

In our response to the complainant's FOI request we provided a list of the employee sickness absence record headers. This was taken from our Fusion system, which is a database used by HM Land Registry to record amongst other things information relating to sickness absences.

Where information is required from Fusion, reports are generated, and the information in those reports is limited to what is necessary for the specific purpose of the report. This enables HM Land Registry to comply with the data minimisation principle at Article 5.1(c) of the UK General Data Protection Regulation.

The reason that the headers in the absence record 'spreadsheets' in the attached screenshot you provided do not contain all of the information contained in Fusion, is because HM Land Registry was generating reports that contained only the necessary information.

Why a copy of the sickness record management system was not provided to the complainant

We have taken this to mean the 'sample employee sickness absence record spreadsheet template' referred to in the attached PDF.

As Fusion is a database from which reports are generated, there is no 'template' to provide to the complainant. We have provided the complainant with the header information for information stored in Fusion in response to her FOI request. Reports are generated based on what information is required.'

21. In summary, therefore, HMLR explained that it uses a system called Fusion which is a database from which reports are generated. The complainant has been provided with the header information for information which is then stored in the Fusion database. Reports are generated based on the information required and therefore can produce varying results. There is not a sample or template that can be provided by HMLR in this instance as one does not exist.
22. In response to the Commissioner's further enquiries in respect of other parts of the information request, HMLR advised that some of the information the complainant had requested is not held but to assist the complainant they have provided an explanation as to how sickness is recorded and how accuracy is maintained.
23. HMLR also advised the Commissioner that having reviewed its responses to the complainant it identified that some information that was within scope of the original request had not been provided. As a

result HMLR provided the complainant with 'Fusion guidance on Phased Returns' and 'Fusion guidance on Returning to work'.

24. HMLR also stated that:

'We will also provide a copy of our 'Supporting attendance managers guide' which is guidance available on our intranet.

While the guidance documents do not directly cover how information is stored and checked for accuracy, they do include information which explains the return-to-work process following a period of sickness absence. This includes information about how the absence is recorded in the system and how the SACRAS form (sickness absence contact and recording attendance sheet) should be agreed between the employee and manager.'

HMLR's position - summary

25. HMLR's position is that having revisited its original response and disclosed further information, there is no further information within the scope of the request that is held beyond that which it has already disclosed.

Commissioner's finding

26. The explanations and further disclosures provided by HMLR – all of which have been considered by the Commissioner - have accounted for the apparent discrepancies and it does not appear that the complainant has any further evidence to support the contention that HMLR has not provided them with all the relevant held information.

27. Following the further disclosures and explanations it is the Commissioner's finding that, on the balance of probabilities, HMLR has provided the complainant with all the relevant held information within the scope of the request.

Right of appeal

28. 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

29. 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.
30. 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

Alexander Ganotis
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