

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 February 2024

Public Authority: London Borough of Haringey
Address: Alexandra House
10 Station Road
Wood Green
London
N22 7TR

Decision (including any steps ordered)

1. The complainant has requested information from the London Borough of Haringey ("the Council") in relation to Social Housing Lettings. The Council provided the complainant with information in relation to the request and advised that it does not hold anything further.
2. The Commissioner's decision is that, on the balance of probabilities, the Council has provided all of the information it holds within the scope of the request and no further information is held. The Commissioner has however found that the Council breached section 10(1) of FOIA.
3. The Commissioner does not require any steps as a result of this decision notice.

Request and response

4. On 2 May 2023, the complainant wrote to the Council and requested information in the following terms:

"1. Could you please provide the Quarterly Data of Social Housing advertised through the Choice Based Lettings as stated per Housing Allocations Policy 2015 as amended "Feedback on letting of social housing" Page 37, p. 6.17.

6.17.2 for each letting, the Council will provide the following information

- . Size, type and location of the home
- . The number of applicants who bid for the property
- . The Band and effective date of the successful bidder

16.7.3 In order to ensure transparency, the feedback will also include any homes that were let as direct lets and were not advertised through the choice based lettings Scheme

Please provide the quarterly data for the years.

2018/19
2019/20
2020/21
2021/22
2022/23."

5. Following the complainant sending several emails to the Council, it responded on 15 August 2023. It provided the complainant with some information, but advised that the remaining information would be sent by 16 August 2023.
6. On 17 August 2023, the complainant asked the Council to add the effective dates. The Council responded on the same date, advising that the effective dates were shown in a specific column on the spreadsheet it had provided. The Commissioner has accepted this as a request for an internal review.

Scope of the case

7. The complainant contacted the Commissioner on 1 September 2023, to complain about the way their request for information had been handled.
8. The Commissioner considers that the scope of his investigation is to determine whether, on the balance of probabilities, the Council holds further information in relation to the request.

Reasons for decision

Section 1 of FOIA – general right of access

9. Section 1 of FOIA states that any person making a request for information is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request and, if that is the case, to have that information communicated to them if it is not exempt information.
10. In cases where a dispute arises over whether recorded information is held by a public authority at the time of the request, the Commissioner - following the lead of a number of First-tier Tribunal decisions - applies the civil standard of the balance of probabilities. In essence, the Commissioner will determine whether it is more likely than not that the public authority holds information relevant to the complainant's request.

Complainant's position

11. The complainant has explained that the information provided does not match their request, along with previous information that they have received.
12. The complainant has advised that they believe that the quarterly data, as requested, has not been disclosed.
13. The complainant has also raised concerns regarding the information not being shown on the Council website, as they have been advised that it would be available.

Council's position

14. The Council has explained to the Commissioner that two 'effective dates' were missing from the spreadsheet and this was due to an error in inputting in date on the system. It has since corrected the spreadsheet to include the two dates that were missing.
15. The Council has also explained to the Commissioner that the spreadsheet it provided contains the data requested for the financial year 2018-19, 2019-20, 2020-21, 2021-22 and 2022-23.
16. The Council explained to the Commissioner that it has spoken with the relevant department regarding the requested information. It advised that there are not any separate audit documents that contain different information than that which has already been provided.

17. The Council went on to explain that the bidding information contained within the spreadsheets is the entirety of the information it holds that is relevant to the request. It went on to explain that the document, of which the complainant has a copy of, titled 'Bidding Result 2016-17', contains the same information as provided in the excel spreadsheet for the years in question in the request. It added that these have just been formatted differently.
18. The Council has also advised that it did not originally have the dates for when the data would be published to its website, but it can now confirm that it will be available within the next week.

Commissioner's findings

19. The Commissioner has considered the complainant's concerns and understands why they would consider the Council holds further information in relation to their request. However, FOIA only looks at information that is held by a public authority. There is no requirement for further information to be created to respond to a request for information. A public authority cannot provide information that it does not hold. Additionally, a public authority does not need to change the formatting of information to comply with FOIA.
20. The Commissioner has considered the information that has been provided, along with the Council's explanations and it is his view that, on the balance of probabilities, the Council does not hold any further information that falls within the scope of the request. The Commissioner is therefore satisfied that the Council has complied with the requirements of section 1 of FOIA.

Section 10

21. 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".
22. In this case, the complainant submitted their request on 2 May 2023, and a response was not provided until 15 August 2023. As this exceeded 20 working days, the Council breached section 10(1) of FOIA.

Right of appeal

23. 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

24. 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.
25. 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
Group Manager
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Wycliffe House
Water Lane
Wilmslow
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