

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 7 July 2015

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

#### Decision (including any steps ordered)

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1. The complainant has requested information from Land Registry about land owned by British and overseas companies. Land Registry initially refused the request relying on FOIA section 21 - information accessible to applicant by other means. During the course of the Commissioner's investigation, Land Registry stated that it did not wish to rely on section 21 to refuse the request but would instead rely on section 31 - law enforcement. Land Registry notified the complainant accordingly.
2. The Commissioner's decision is that Land Registry has correctly applied section 21 to the request and his investigation will not therefore consider the application of section 31. He does not require Land Registry to take any further steps.

#### Request and response

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3. On 30 June 2014, the complainant wrote to Land Registry and requested information in the following terms:

*"I should like to request the following information:*

- 1) *Details of land owned by overseas companies.*

4. He clarified with Land Registry that he wanted it to provide title numbers of the properties owned by overseas companies along with their names from 2005 onwards.
5. On 15 July 2014 Land registry disclosed the title numbers and the number of registered proprietors to that unique title number to a maximum of four.
6. The complainant replied on 15 July 2014. He refined his initial request and requested further information of the following description:

*"I should like to refine my initial query somewhat and request further information:*

*Details of*

- 1) Land owned by overseas companies including*
    - a) Their country of registration*
    - b) Title numbers*
    - c) INSPIRE ID polygons*
  - 2) Land owned by British companies including*
    - a) Their company number*
    - b) Title numbers*
    - c) INSPIRE ID polygons*
7. Land Registry handled this as a fresh request and responded on 7 August 2014. The complainant was advised that in respect of question (1) the information had already been disclosed in a response to his request dated 30 June 2014. In relation to question (2) Land Registry disclosed a list of UK companies registered as proprietors of land. It further explained that in respect of the request at 1(a) and (b) and 2(a) and (b), it was relying on the exemption at section 21 – information accessible to applicant by other means. It provided details of the process. Land Registry further explained that although it had previously provided title numbers, this was not usual practice because this information is also considered exempt by virtue of section 21. With regard to the questions at 1(c) and 2(c) the complainant was provided with a link from the Land Registry website.
  8. The complainant wrote further to Land Registry on 8 August 2014 requesting an internal review. In particular he noted that Land Registry had not confirmed whether or not the information was held. He stated that he believed the recourse to 'usual practice' was spurious. Furthermore he stated that the requested information was not reasonably accessible by other means. He cited the cost of obtaining the information to be in the region of £4 million and that even in the event

that he could fund that, he would still have to compile the results of each individual search into a single database file for it to resemble the information he had requested. He estimated that this may take in the region of 140 days of full time work.

9. On 2 September 2014 the complainant wrote to Land Registry again. He clarified his request further, detailing that he wanted subsets, datasets or pivot tables matching the data requested. He did this in advance of a response to his request for an internal review but on the same date, Land Registry contacted the complainant to explain that the internal review response had already been issued. The complainant located the response in his junk/spam folders.
10. On 29 August 2014 Land Registry replied to the internal review request by way of a letter following a telephone conversation. The Commissioner is not privy to the details of the conversation. The letter set out the position in relation to the requests and advised further that it did not hold the requested information as an existing dataset. It offered the complainant the option of going back to Land Registry to see if it could provide information tailored to his requirements.
11. The complainant wrote again to Land Registry on 10 September 2014 seeking clarification of the 'error' referred to in the internal review response. This was clarified in a response dated 18 September 2014.

### **Scope of the case**

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12. The complainant contacted the Commissioner on 21 October 2014 to complain about the way his request for information had been handled. Specifically he was concerned that it would take hundreds, if not thousands of hours to purchase and compile the data into the format requested and would cost millions of pounds. The complainant was especially dissatisfied that Land Registry refused to release a subset of the Index of Proprietors names containing title numbers belonging to British companies.
13. The Commissioner considers the scope of the investigation is to establish if Land Registry is entitled to rely on section 21 to refuse the request for information.

## Reasons for decision

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### Section 21 – Information accessible to applicant by other means

14. Section 21(1) of the Freedom of Information Act 2000 (the Act) exempts information from disclosure under the Act if it is otherwise reasonably accessible to an applicant by other means.
15. Section 21(2) of the Act further states that information may be reasonably accessible to an applicant even though it is accessible only on payment. It also states that information is to be taken to be reasonably accessible to an applicant if it is information which a public authority is obliged under an enactment (in this case, section 66 of the Land Registration Act 2002) to communicate to members of the public on request whether free of charge or on payment.
16. The Commissioner has considered the process outlined by Land Registry which would allow the requester to retrieve the requested information. It asserted that a requester could download Inspire Polygon information relating to freehold titles for free via its website. Using this inspire ID number he would then be able to carry out a search under the 'Find a property' section of the Land Registry website which would produce company details which in turn would allow him, upon payment of a fee, to buy registers and, for a further fee title plans. Any individual is able to browse some information for free. Inspire ID numbers can be accessed online and then, by entering the inspire ID number, a user can find out the title number. However, to find out who the registered proprietor is of the title number, it is necessary to pay £3 for a copy of the register online.
17. Land Registry accepts that this particular complainant is in a unique position by comparison to other requesters in that it has already provided him with a spreadsheet detailing the title numbers and registered proprietors of land owned by overseas companies and a list of registered proprietors of land owned by British companies. In his particular circumstances, the remainder of the requested information would be more easily accessible. He would be able to search the Index of Proprietors' names (IOPN) using the information already provided to him, and access the title numbers. He could then use the title number to obtain, upon payment of a fee, the registered address. Should he also wish to obtain the title plan, he could then obtain this upon payment of a further fee.
18. In considering whether the requested information is reasonably accessible, the Commissioner does not give any weight to the volume of information requested. In order to ensure that the FOIA is applied

consistently by public authorities, he must determine whether information is reasonably accessible in terms of the process alone. Irrespective of the number of properties a complainant wishes to obtain information about, under the process explained at paragraph 16 he can download the inspire ID number to find company details which will allow him, for a fee, to find out registered address details and buy title plans should he wish to do so. In this case, with the company details already provided by Land Registry, he can enter those details on the IOPN and retrieve the information about any particular land he is interested in (land owned by overseas companies and British companies). He can then pay to obtain the the registered address and if he wishes, pay for the title plan. In these circumstances the information is reasonably accessible to anyone requesting the information. In this applicant's particular circumstances, the information is more easily accessible given the information already provided.

19. In its submission to the Commissioner, Land Registry has set out its position that it did not seek to continue to rely on section 21 because the cost was prohibitive.
20. Section 21(2) makes it clear that the fact that payment is required for the information is not a consideration in terms of accessibility.
21. The Commissioner considers that the process as described by Land Registry is an established process and that accordingly the information requested is easily accessible.
22. The Commissioner acknowledges that during the course of conversations with Land Registry, the complainant has discussed the request and has raised the issue of the information being provided as subsets or datasets. He notes too that the complainant set this out in emails to Land Registry.
23. When handling complaints, the Commissioner actively promotes informal resolution. In this case it is clear that both the complainant and Land Registry attempted to reach an agreed position but that this has proved unsuccessful. Whilst the complainant did not originally request the information in a specific format, he has clearly and understandably subsequently explored the avenue of subsets and datasets in a bid to have the information disclosed.
24. Land Registry has clarified, in its submission to the Commissioner, that the Protection of Freedoms Act 2012 exempts it from any obligation to publish datasets in a reusable format because the information is Crown Copyright.

25. It is the Commissioner's position that Land Registry was correct to rely on section 21 to refuse the request and that it was incorrect to deviate from this position in concluding its review of the request when it sought to rely on section 31.

### **Other matters**

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26. The Commissioner notes that Land Registry has stated in its submission that it had not concluded its internal review process at the point at which the investigation was initiated. Whilst this does not present an issue in terms of reaching a decision for the purpose of this notice, the Commissioner notes that his first correspondence with Land Registry was 31 October 2014 and that this would have been the most appropriate time to have raised this issue rather than wait until its final submission of 27 February 2015. Earlier liaison with the Commissioner's staff may have presented the opportunity for Land Registry to seek clarification of its position regarding section 21 thus avoiding the need for it to consider further exemptions.

## Right of appeal

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27. 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](mailto:GRC@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

28. 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.
29. 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 .....**

**Gerrard Tracey  
Principal Adviser  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
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Cheshire  
SK9 5AF**