

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 5 March 2015

**Public Authority:** Cornwall Housing Limited  
**Address:** Higher Trenant Road  
Wadebridge  
Cornwall  
PL27 6TW

#### Decision (including any steps ordered)

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1. The complainant requested information from Cornwall Council ("the council") concerning a particular property. This request was transferred to Cornwall Housing ("the authority"). The authority provided an initial response but upon internal review said that it had decided that the request was vexatious under section 14(1) of the Freedom of Information Act 2000 ("the FOIA"). The complainant asked the Commissioner to consider the authority's failure to rely on section 14(1) within 20 working days. The Commissioner's decision is that the authority breached section 17(1) of the FOIA for failing to rely on section 14(1) within 20 working days. There are no steps to take.

#### Request and response

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5. On 25 July 2014, the complainant requested information from the council in the following terms:

*"The information I request concerns Homechoice Property Ref: 14661 at Timber Close which according to 'Outcomes for CBL' was advertised between 05/04/2014 to 09/04/14. I would like a copy of the Homechoice advertisement used on the Council's website, a copy of the picture used by Sanctuary Housing, all the individual details which accompanied the Homechoice advertisement and information on any preferences/eligibilities.*

*I would also like to know if or when Cornwall Council began paying Rent/Service Charge on the Homechoice property”.*

6. On 26 July 2014, he made a further request in the following terms:

*“Further to my FOI request regarding Homechoice Property: 14661, I would also like to know the day and month the Let’s information was added to the Council’s ‘Recent Lets’ section on it’s website for the benefit of applicants [sic]”.*

7. For clarity, at this point, the council transferred the requests to the authority. The authority is wholly owned by the council and is a separate public authority for the purposes of the FOIA in accordance with section 6(1).
8. The authority responded to the requests on 22 August 2014.
8. The complainant replied on the same day to express dissatisfaction with the response. He sent a copy of this to the council and the authority.
9. The council replied on 27 August 2014 and clarified that it considered that the authority should deal with the matter.
10. The authority completed an internal review on 22 September 2014. It said that it had decided that the request was vexatious under section 14(1) of the FOIA and it explained why it had made this decision.

### **Scope of the case**

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11. The complainant contacted the Commissioner on 10 September 2015 to complain about the way his request for information had been handled. The complainant complained that the authority had failed to rely on section 14(1) within 20 working days. For clarity, he said that he did not wish the Commissioner to review whether or not section 14(1) had been correctly applied. A separate complaint is being pursued against the council.

## **Reasons for decision**

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### **Section 17(1)**

12. When a public authority wishes to refuse to provide information, section 17(1) obliges the authority to state that an exemption is considered to apply, to identify that exemption and to state if it would not otherwise be apparent why the exemption applies within 20 working days.
13. In this case, the authority initially responded to the requests on 22 August 2014. Upon internal review, it decided that the requests were vexatious and it was not going to respond any further. This outcome was communicated on 22 September 2014. As section 14(1) was not relied upon within 20 working days, this was a breach of section 17(1) of the FOIA.

## Right of appeal

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14. 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)

15. 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.
16. 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**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**