

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 April 2019

Public Authority: Valuation Office Agency (part of HMRC¹)

Address: Wingate House
93 – 107 Shaftsbury Avenue
London
W1D 5BU

Decision (including any steps ordered)

1. The complainant has requested information relating the method by which Farm Parks are valued. The Valuation Office Agency (“VOA”) initially refused the request as vexatious but subsequently provided some information.
2. The Commissioner’s decision is that VOA failed to comply with its section 1(1) duties within 20 working days and therefore breached section 10 of the FOIA.
3. The Commissioner does not require any steps to be taken in respect of this request.

Request and response

4. On 23 August 2018 the complainant, referring to a statement that had been made at a Valuation Tribunal, requested information of the following description:
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¹ As an executive agency of HMRC, VOA is not a separate public authority for the purposes of Schedule 1 of FOIA. However, as it has its own FOI section, the Commissioner considers that it is appropriate to refer to VOA in this notice.

"May I request the examples of the split of the Divisible Balance that from [name]'s (MRICS Dip Rating, National Valuation Unit, Head – Leisure and Licensed Property Valuations) experience as highlighted in the bold text. If you deem that identifying each split with a particular farm park entity falls foul of FOI requests, I would be happy simply to have each split that forms this experience without a farm park being identified. Ie. a simple list of splits would suffice."

5. On 17 September 2018, VOA responded. It refused to provide the requested information because it considered the request to be vexatious.
6. VOA completed an internal review on 9 October 2018. It upheld its original position, relying on section 14 of the FOIA to refuse the request.

Scope of the case

7. The complainant contacted the Commissioner on 9 October 2018 to complain about the way his request for information had been handled.
8. The Commissioner wrote to VOA on 14 February 2019 asking it to provide its justification for relying on section 14. Having reconsidered the matter, VOA decided to withdraw its reliance on section 14 and provided some information.
9. The complainant disputed that the information provided was that which he originally sought, but agreed to make a refined request instead to focus more narrowly on the precise information he was seeking.
10. The only remaining matter for the Commissioner is to consider the timeliness of VOA's compliance with its section 1(1) duties.

Reasons for decision

11. Section 1(1) of the 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.*

12. Section 10 of the FOIA states that a public authority must discharge its section 1(1) duties "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
13. Section 14 is an exemption from the duty to comply with the section 1(1). However VOA dropped its reliance on section 14 and provided information after the 20 working day period had expired
14. The Commissioner therefore finds that VOA breached section 10 of FOIA in the way it responded to the request.

Right of appeal

15. 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

16. 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.
17. 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

Ben Tomes
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Wycliffe House
Water Lane
Wilmslow
Cheshire
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