

**Freedom of Information Act 2000 ('FOIA')**  
**Environmental Information Regulations 2004 ('EIR')**  
**Decision notice**

**Date:** 18 November 2013

**Public Authority:** Sunderland City Council  
**Address:** Civic Centre  
Burdon Road  
Sunderland  
SR2 7DN

**Decision (including any steps ordered)**

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1. The complainant has requested information relating to how a figure of 15,000 dwellings was arrived at, including information relating to assumptions used to arrive at the projection. Sunderland City Council ('the council') refused the request under regulation 12(4)(d) of the EIR. As the requested information was disclosed during the Commissioner's investigation, his decision is that the council did not meet the requirements of regulation 5 of the EIR in that it did not provide the requested information within 20 working days. He does not require the public authority to take any steps.

**Request and response**

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2. On 3 May 2013, the complainant wrote to the council and requested information in the following terms:

"This request concerns the Housing Needs Projection that Sunderland needs 15000 houses to be built within around 20 years. It is related to FOIREQUEST (id: 40259) but not the same and follows a discussion with [named individual] about how the figure of 15000 houses was arrived at and the disclosure that assumptions were part of the process. Please can you send me a copy of the:

1. Data used in the housing projection from whatever source.

2. An explanation or copy of the specific mathematical modelling technique used to arrive at the 15000 sufficient to test and replicate the projection
  3. An explanation of the methodology used in processing that data to arrive at the 15000 houses
  4. An explanation of what assumptions were used in determining the projection
  5. If any assumptions were used in the projection, a copy of the underpinning data used to arrive at those assumptions
  6. If no data was used to arrive at the assumptions used in the projection, a full explanation of how the assumptions were arrived at.
  7. If assumptions were used what percentage errors (ie plus or minus x%) in the assumptions were considered to apply to each assumption"
3. The council responded on 4 June 2013. It confirmed that it does hold information within the scope of the request but stated that it is exempt from disclosure under regulation 12(4)(d) as it is still in the course of completion. It said that the information is fundamentally similar to a previous request and is due to be put in the public domain within the month for scrutiny and consideration. The previous request is dealt with by the Commissioner in decision notice FS50507439.
  4. The complainant requested an internal review on 5 June 2013. He provided reasons as to why the exception at regulation 12(4)(d) does not apply.
  5. On 27 June 2013, the council provided its internal review response. It agreed that this request was difference from a previous one, albeit similar, and maintained its application of the exception at regulation 12(4)(d). It said that a date had not been set for publication but it is imminent.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 1 August 2013 to complain about the way his request for information had been handled.
7. The Commissioner understands that the requested data was supplied to the complainant during the course of the investigation but was not made publically available as part of the consultation process. On 5 August 2013 he was provided with a paper entitled 'Future Housing Numbers' and on 9 August 2013 he was provided with raw data on an excel spread

sheet. The complainant has confirmed to the Commissioner that the information provided is the information he had requested.

8. As the requested information has now been provided the scope of this case is to consider whether the council has complied with the requirements of regulation 5 of the EIR.

## **Reasons for decision**

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### **Regulation 5**

9. Regulation 5(1) states that a public authority that holds environmental information shall make it available on request. Regulation 5(2) states that this information shall be made available as soon as possible and no later than 20 working days after the date of receipt of request.
10. The complainant submitted his request for information on 10 April 2013. The council did not provide the complainant with the requested information until 5 and 9 August 2013. Consequently the Commissioner finds that the council has breached regulation 5(2) of the EIR, in that this information was not provided to the complainant within 20 working days.

## Right of appeal

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11. 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: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

12. 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.
13. 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**