

## **The Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 17 November 2022

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

#### **Decision**

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1. The complainant requested, from HM Land Registry, the "selling price details" for two properties in 1989 and 1994.
2. The Commissioner's decision is that HM Land Registry was entitled to refuse the request under section 21 of FOIA ('information accessible to applicant by other means').
3. The Commissioner does not require any steps to be taken following this decision notice.

#### **Request and response**

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4. The complainant made the following information request to HM Land Registry on 7 February 2022:

"please could you provide me with the actual selling price details of ...

[property address redacted] – sold on or around October 1989

[property address redacted] – sold on or around June 1994 ..."

5. The final position of HM Land Registry was to uphold its application of section 21 of FOIA.

### **Scope of the case**

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6. This reasoning covers HM Land Registry's application of section 21 of FOIA.
7. The complainant has said to the Commissioner that by refusing the request under section 21 of FOIA, HM Land Registry is being "obstructive" in order to deter members of the public from exploring/questioning the validity of their council tax bands. They want HM Land Registry to "Provide the ... selling price information" requested.

### **Reasons for decision**

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8. Section 21(1) of FOIA provides that information is exempt from disclosure under FOIA if the information requested is already reasonably accessible to the requester.
9. Section 21(2)(a) provides that information may be regarded as reasonably accessible to the requester "even though it is accessible only on payment".
10. Section 21 is an absolute exemption which means there is no requirement to carry out a public interest test if the requested information is exempt.
11. The Commissioner directs the complainant to his detailed [guidance](#) on section 21.
12. In this instance, HM Land Registry explained to the complainant that for each of the two properties in question, HM Land Registry does hold transfer documents that "will contain the price paid for the property on the specified date". HM Land Registry explained that there is a statutory protocol by which the complainant is able to obtain the information/documents. This involves submitting the relevant form, with a payment.
13. The complainant paid for a 'title register' which, as HM Land Registry explained, only shows the most recent sale price of a property – to obtain a more historic sale price, HM Land Registry said, the complainant would need to submit an 'OC2' form for a copy of the transfer document relating to the sale in question. HM Land Registry provided the complainant with a link to the OC2 form on its website.

14. The complainant argued that HM Land Registry has in the past disclosed historic sale prices to other requesters under FOIA; HM Land Registry said that even so, the correct/current position is to refuse such requests under section 21.
15. The Commissioner upholds HM Land Registry's application of section 21. For detailed comments on HM Land Registry's use of section 21 of FOIA and other legislation cited by HM Land Registry (the Land Registration Act 2002 and the Land Registration Rules 2003) in response to requests for information about particular land titles, he directs the complainant to previous decision notices on his website (examples are [FS50685812](#) and [FER0454056](#)).

## Right of appeal

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16. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. 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.
18. 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 .....**

**Daniel Kennedy**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**