

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 February 2023

Public Authority: Valuation Office Agency
(Executive Agency of HM Revenue & Customs)

Address: 10 South Colonnade
Canary Wharf
London
E14 4PU

Decision (including any steps ordered)

1. The complainant has requested a copy of the Valuation Office Agency's ('the VOA') FOIA policy. The VOA said that it does not have its own FOIA policy, and, therefore, that it does not hold the requested information.
2. The Commissioner's decision is that the VOA does not hold the information the complainant has requested.
3. The Commissioner requires no steps as a result of this decision.

Request and response

4. On 6 October 2022, the complainant wrote to the VOA and requested information in the following terms:

"Could you please provide a copy of your Freedom of Information policy document."
5. The VOA responded on 26 October 2022. It said that the VOA does not have its own FOIA policy. It said that it handles requests for information under FOIA by reference to the legislation, and that it follows the section

45 Code of Practice¹ ('the Access Code') and the ICO's guidance². It maintained this position following an internal review.

Reasons for decision

6. Under section 1(1) of FOIA, anyone who requests information from a public authority is entitled:
 - (a) to be told if the public authority holds the information and,
 - (b) to have the information communicated to them if it is held, and is not exempt information.
7. The Commissioner has considered whether, on the balance of probabilities, the VOA holds the requested information.
8. The complainant told the Commissioner that the VOA should have its own, bespoke, FOIA policy, outlining who is responsible for FOIA and setting out internal procedures for handling FOIA requests.
9. The VOA's position is that it does not hold the information described in the request. In its initial response, and its internal review, the VOA explained that when handling FOIA requests it is guided by the wording of the legislation, the Access Code and the Commissioner's guidance. It has provided the complainant with an outline of its approach to request handling, and with links to the guidance it refers to. It has also explained to the Commissioner that, as an executive agency of HM Revenue & Customs ('HMRC') the VOA is subject to HMRC's policy and legal framework on the disclosure of information³.

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf

2 <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/>

3

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/795523/HMRC_Policy_and_Legal_Framework_11-03-19.pdf

10. The Commissioner has considered the VOA's submissions and he accepts the reasons it has given for saying it does not hold the information described in the request. Compliance with FOIA is mandatory, but there is no obligation on the VOA to have a bespoke FOIA policy in order to achieve this.
11. Therefore, the Commissioner's decision is that, on the balance of probabilities, the VOA does not hold the information described in the request, and that it complied with its obligations under section 1 of FOIA when responding to the request.

Other matters

12. In his complaint, the complainant asked the Commissioner to consider issuing a practice recommendation⁴, requiring the VOA to have a bespoke FOIA policy.
13. When considering a complaint made to him under section 50 of FOIA, the Commissioner's duty is to decide whether a request for information has been dealt with by the public authority in accordance with the requirements of Part 1 of FOIA. His powers under section 50 do not extend to the action the complainant has requested.
14. Practice recommendations are issued under section 48(1) of FOIA, where the Commissioner has reached a view that the handling of requests by a public authority does not conform to the Access Code.
15. While the complainant has highlighted some minor points in the VOA's handling of the request which he finds dissatisfactory, the Commissioner is satisfied that they did not interfere with the VOA's overall compliance with the FOIA when responding to the request. He has seen nothing in the VOA's handling of this request which would suggest that a practice recommendation might be necessary.

⁴ <https://ico.org.uk/action-weve-taken/information-notices/#practice-recommendations>

Right of appeal

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

Website: 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

Samantha Bracegirdle
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF