

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

### **Decision notice**

**Date:** 31 January 2023

**Public Authority:** Regulator of Social Housing  
**Address:** Level 2  
7-8 Wellington Place  
Leeds  
LS1 4AP

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the Regulator of Social Housing ("the public authority"). The Commissioner's decision is that the public authority was entitled to refuse to comply with the request in accordance with section 12(1) (cost limit) of FOIA. The Commissioner also finds that the public authority complied with its obligations under section 16 of FOIA to offer advice and assistance.
2. The Commissioner does not require the public authority to take any steps.

#### **Request and response**

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3. In April 2022, the complainant made the following request for information to the public authority:  
"Data request:
  1. Paper copy of your organisation and its governance structure in the form of an organisational chart.
  2. Paper copy of your organisational regulations.
  3. Paper copy of your governing principles and rules.
  4. Paper copy of your complaints policy, procedure and process.

5. Paper copy of your data processing, security, retention, deletion policy, procedures, process.
  6. Paper copy of your data sharing inclusive of third parties, policy, procedure, process.
  7. Paper copy of your privacy and confidentiality policy, procedure, process.
  8. Paper copy of your about us, what we do, who we are, information.
  9. Paper copy of your definition criteria for registering social housing organisations, policy, procedure, process.
  10. Paper copy of your obligations, rules, ethics, principles, social housing organisations must adhere to as a social housing organisation, inclusive of any human rights, anti-discrimination, equality policies, procedures, processes.
  11. Paper copy of your memorandum of understanding with the Housing Ombudsman, and your discharge of duties to them in that functionality in respect of the rules and obligations for handling, processing, managing, dealing with any complaints, issues, concerns regarding their duties on your behalf.
  12. Paper copy of details of any other organisations the Regulator of Social Housing has agreements, memorandums of understanding or collaborations with, and the purposes of such.
- Please note I am requesting hard paper copies, not web browser addresses. Therefore, I have a reasonable expectation hard paper copies of the requested documents should be provided to me"
4. The public authority refused to provide the requested information citing section 12 (cost limit) of FOIA as its basis for doing so.

## **Reasons for decision**

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### **Section 12 – cost of compliance**

5. This reasoning covers whether the public authority is correct to apply section 12(1) (cost limit) of FOIA to the request.<sup>1</sup> The appropriate limit<sup>2</sup> for the public authority in this case is £450.
6. The public authority considers that the cost of complying with this request would exceed the appropriate limit under FOIA. It has explained that compiling the information requested in question 12 alone would exceed the cost limit.
7. The public authority explained that the information requested in question 12 is very broad and covers a variety of engagements that the public authority has with other organisations and the request covers contracts, memorandums of understandings and collaborations such as voluntary undertakings from registered providers, appointments of board members, as well as agreements with professional networks, professional bodies and tenant representatives.
8. The public authority estimated that to provide the relevant information contained in its signings and sealings register alone it would need to review 160 entries. The public authority undertook a sampling exercise of five of these entries to determine how long it would take to extract the information. The public authority found it needed 32 minutes to extract relevant information for the five entries in the sample and then estimated that for all 160 entries it would take approximately 17 hours (1,042 minutes) to extract the relevant information.
9. The public authority further explained that it has 1,620 registered providers on its register, and in responding to question 12 it would need to also search through the files it holds for each registered provider to determine if any information held would fall within the parameters of this part of the request for example, any voluntary undertakings from registered providers. This activity would take considerably longer than the 18-hour cost limit under FOIA.
10. The Commissioner is satisfied that the public authority's arguments above are justified because it has explained that the reasonably estimated cost for obtaining just one part of the requested information is clearly in excess of the cost limit. If just one part of a request triggers the cost limit, the entire request is covered by this exemption. It stands to reason that to comply with the other sections of the request would

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2000/36/section/12>

<sup>2</sup> <https://www.legislation.gov.uk/uksi/2004/3244/regulation/4/made>

take the cost of compliance even further beyond the limit specified in FOIA.

11. The Commissioner's decision is that the public authority was correct to apply section 12(1) of FOIA to the request.

### **Section 16(1) – The duty to provide advice and assistance**

12. Section 16(1) of FOIA provides that a public authority should give advice and assistance to any person making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45 code of practice<sup>3</sup> in providing advice and assistance, it will have complied with section 16(1).
13. The Commissioner notes that the public authority attempted to set up a phone call with the complainant to attempt to better understand the complainant's wishes and to explain the information that could possibly be provided if the complainant refined their request. The public authority also provided further explanation and advice in its internal review response and suggested other ways the complainant could obtain useful information if they were able to access information available on the internet. The Commissioner is therefore satisfied that the public authority met its obligations under section 16 of FOIA.

### **Other Matters**

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14. The complainant expressed dissatisfaction that their request for an internal review was met with an offer of a phone conversation with the public authority in the first instance. The Commissioner notes that while public authorities are encouraged to provide an internal review response, it is not a statutory requirement of FOIA.
15. The complainant expressed concern that the public authority only included an email address and web links when advising how to request an internal review. The public authority addressed this concern in their internal review response and advised it would also include postal contact details in its correspondence going forward.

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<sup>3</sup> <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

## 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**