



## From the Director of Corporate Strategy

Mr P John

By email

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Our Ref Internal Review FOI02/01/10

Date 23 March 2010

Dear Mr John

Thank you for your email of 26 February 2010 requesting an internal review of the way Companies House has handled your freedom of information (FOI) request: 'Striking Off: Companies that fail to file' under the Freedom of Information Act (FOIA).

In reviewing the case I see two issues that I should address:

1. The time taken to answer your request
2. The redactions made under s21.

Your email also asks for a complete history of the dialogue between Phorm and Companies House as well as asking several questions about our approach when companies and directors do not file information on time. However, these issues have been dealt with in your recent correspondence with our Chief Executive and this letter will deal with the specific issues about the FOI request.

In looking at the 2 issues for the review, I will deal with each one in turn.

First on the issue of the time taken to respond to your request, it is clear that we have not met the requirements laid down in the FOIA. The Act clearly states that the time limit for responding to a FOI request is 20 working days from receipt of the request. Your request was received by Companies House on 6 January 2010 and should have been answered on or before 3 February 2010. You did not receive a response until the 26 February, 17 days after the deadline. This is a breach of the FOIA and is not the level of service you should expect from Companies House. Mrs Lumsden did contact you on 11 February to explain the delay but this was also after the deadline had passed. The delay was caused, as Mrs Lumsden explained, by the need to contact a third party over the disclosure of information. While it is clear that we needed to contact the third party concerned and the time taken for the third party to respond was outside of our control we should have done more to make you aware of the

delay and certainly should have contacted you before the deadline had expired. I apologise for the delay in responding to your request and I have asked the FOI team to look into this.

Second, the use of the s21 redactions. While I appreciate that the redacted information could be deduced from information that is accessible for free from the Companies House WebCheck service, I do not think that this is in the spirit of s21 exemption. The Ministry of Justice guidance on the use of s21 states:

**“However, as a matter of good practice, you should consider providing the requested section 21 material or informing the applicant where the information is to be found.”**

<http://www.justice.gov.uk/guidance/docs/foi-exemption-s21.pdf>

In this case we did not provide the information or inform you of where the information is to be found and so I conclude that we have not applied the exemption in the way it was intended. The redacted information is attached at the end of this letter.

I hope that this answers the questions you raised but if you are not happy with my reply I would like to inform you that you have the right of appeal to the Information Commissioner. If you wish to appeal you should send it to:

The Information Commissioner’s Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely

Tim Moss

**29 May 2009**

*"We have received a public complaint regarding the above company.*

*It has been brought to our attention that the last accounts that have been filed for this company are the 31/12/06. It was also mentioned that the director and secretary details may have changed and we have not been informed.*

*Could you please arrange for the accounting and officer details to be brought up to date as soon as possible.*

*If you have any further queries do not hesitate to contact me".*

**1 September 2009**

*"I refer to my letter of 20<sup>th</sup> July 2009 concerning bringing the company records for the above company up to date.*

*I am yet to receive a reply and the accounts have not been filed.*

*Please either contact me on the above number or file the overdue accounts within the next 28 days".*