



Valuation Office Agency

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Freedom of Information Team

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To: Mr John Smith

Email: foi@voa.gsi.gov.uk

Email: request-565369-7172d622@whatdotheyknow.com

Our Reference: 11796580.2/CEO

Date: 23 May 2019

Dear Mr Smith,

Freedom of Information Act (FOIA) – Internal Review

Thank you for your email of 25 April 2019. We have treated your email as a request for a review of the Valuation Office Agency's (VOA) handling of your request for information under the FOIA.

The purpose of an internal review

The purpose of this review is to provide a fair and thorough evaluation of the decisions made in responding to your request under the FOIA. Links to the legislation quoted are set out at the end of this letter.

My decision

I uphold the Agency's decision not to provide the information you are seeking as section 22(1) of the FOIA applies. I have set out the reasons for my decision below.

Your request for information under the FOIA for which you seek a formal review

On 01 April 2019 you asked:

"Please could you provide MSOA level estimates (as previously released for other authorities: <https://www.gov.uk/government/collections/valuation-office-agency-freedom-of-information-disclosure-log>) for the following seven authorities:

*Walsall
Wolverhampton
Birmingham
Sandwell
Coventry
Dudley
Solihull"*

The Agency's response under FOIA

On 8 April 2019 the VOA replied to your request. The Agency explained it held information in scope of your request, but was unable to provide this under the FOIA, due to the exemption at section 22. The exemption applies as the information sought is due to be published in July 2019 and it is in the public interest not to disclose the information prematurely.

Your request for an Internal Review

On 25 April 2019 you wrote:

"Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Valuation Office Agency's handling of my FOI request 'Non-domestic rating: business floorspace for seven authorities at Middle Super Output Area (MSOA)'.

Unfortunately, the statistics you refer to are not the ones I have requested, and so you have made an error. The statistics I am requesting would be in the format of those previously released here: <https://www.gov.uk/government/publications/non-domestic-rating-business-floorspace-for-gosport>

Clearly, your error is a matter of interpretation. You already publish significant amounts of data on "non-domestic business floor space data", e.g.: <https://www.gov.uk/government/statistics/non-domestic-rating-business-floorspace>.

However, I am requesting the data for individual local authorities in exactly the format previously published via other FOI requests. Given that you have already released data in this format previously, I see no reason as to why you would refuse to release it, even if you intend to publish something similar.

A full history of my FOI request and all correspondence is available on the Internet at this address: [https://www.whatdotheyknow.com/request/non_domestic_rating_business flo](https://www.whatdotheyknow.com/request/non_domestic_rating_business_flo)"

The response to the internal review under FOIA

I appreciate your concern that the floor-space statistics the Agency currently publishes are not sufficiently detailed to meet your request. However, the information due to be published in July 2019 is wider and more detailed than the present publication, and will provide the information you have requested.

I can see the link to the official statistics announcement provided in the Agency's response did not make it clear that the release will provide what you are seeking. The announcement was updated on 20 May 2019 and now provides a more comprehensive description of the statistics. The release is confirmed for 25 July 2019 at 9:30 am:

<https://www.gov.uk/government/statistics/announcements/non-domestic-rating-business-floorspace#history>

I am satisfied that section 22(1) of the FOIA has been correctly applied. As section 22 is a qualified exemption, I have reviewed the public interest factors for and against disclosure. There is public interest in disclosure to support transparency of Non-domestic statistical information held by the VOA. There is also a strong public interest in allowing the VOA to undertake the necessary preparations and administration involved in a planned publication. The VOA is currently undertaking the preparatory work necessary to publish the information on 25 July 2019. I find that, on balance, the factors for withholding the information outweighed the factors for disclosure.

Looking at other aspects of the Agency's FOIA response I can see:

- You were told information falling within the scope of your request was held as required by section 1(1)(a).
- The response included an explanation of why the information is exempt.
- A response was provided within twenty working days of receipt as required by section 10.
- Details of the FOIA internal review procedure and your right to complain to the Information Commissioner were also provided as required by Sections 17(1) & 17(7) of the FOIA.

To sum up

Having reviewed your request I confirm:

- The VOA holds information falling within scope of your request.
- The information was correctly withheld from disclosure under section 22 of the FOIA as the information is due to be published in July 2019.
- VOA's planned publication is more detailed than previous publications and will provide the information you seek.
- The VOA's refusal notice complied with all other requirements of FOIA.

Appeal Rights

If you are not content with the outcome of this review or any decisions made by the VOA you may apply directly to the Information Commissioner, who can be contacted by email at:

casework@ico.org.uk or by writing to: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Jonathan Bochenski

Jonathan Bochenski
Director of Strategy, Policy and Customer Directorate

Reference to the legislation quoted in the Review:

- **The Freedom of Information Act**
<http://www.legislation.gov.uk/ukpga/2000/36/contents>