



**Land Registration Act 2002**  
**Scope of this guide**

This guide explains your right to request and receive information from Land Registry under the Freedom of Information Act 2000.

## Your rights under the Freedom of Information Act 2000

**Update** – This edition of the guide replaces the January 2005 edition. Section 11 has been amended to update personnel details.

**Contact details**

Please tell us if you would like:

- help understanding this guide
- this information in a different format, such as audiocassette or large print.

You can obtain copies of this and all our guides free from any Land Registry office, and view or download them from our website in English and Welsh.

This publication can be made available in alternative formats on request. If you require an alternative format please contact Customer Service at Land Registry Head Office.

If you have any questions about this guide, please contact your local Land Registry office. You can find details of telephone numbers and opening times on our website. Telephone numbers are also listed under 'Land Registry' in the Phone Book.

[www.landregistry.gov.uk](http://www.landregistry.gov.uk)

**1 Abbreviations used**

'FOIA 2000' means the Freedom of Information Act 2000;  
'LRA 2002' means the Land Registration Act 2002;  
'LRR 2003' means the Land Registration Rules 2003.

**2 Introduction**

The main effect of the FOIA 2000 is to bring greater openness by public authorities in England and Wales. The term 'public authority' includes government departments (of which Land Registry is one), local authorities, the National Health Service and the Houses of Parliament.

On 1 January 2005, the main provisions of the FOIA 2000 came into force. Everyone now has the right to ask a public authority for information and, if that authority holds it, to have that information disclosed to them unless there are justifiable reasons why this should not be done.

Under the right of access provisions of the FOIA 2000:

- a request must be in writing (which includes email or fax) and must include a name and

address to which a response can be sent

- the request does not have to mention the FOIA 2000
- the request can be made to any part of the public authority
- the authority must reply within 20 working days
- the authority has a duty to provide assistance to the applicant
- the authority may charge a fee for providing the information.

**3 What Land Registry information can I ask for?**

The main purpose of Land Registry is to maintain the register of land in England and Wales. The register has been open to public inspection since December 1990. You can inspect any of the 19.5 million registers we currently hold and obtain official copies of them and any documents relating to that register that are available as of right under the LRA 2002 and the LRR 2003. Please note that a fee is payable for this service. Where information is available as of right, we will ask you to complete the appropriate form under the LRR 2003 – see Public Guide 1 – *A guide to the information we keep and how you can obtain it* for details of the

type of information we keep and copies of the forms for you to use. Information that is available as of right and is requested of Land Registry will be governed by the LRR 2003 and not by the FOIA 2000. This is because s.21, FOIA 2000 makes information exempt from the FOIA 2000 when it is “reasonably accessible by other means”. For this reason we claim exemption under s.21 as the information is already accessible through our rules.

#### **4 We also hold other information that is not available as of right. You can make an FOIA 2000 request for any of this information.**

There is nothing in the FOIA 2000 to stop Land Registry from releasing other information if it chooses to do so but there are a range of exemptions in that Act that allows the Registry to withhold certain information. Most of the exemptions are subject to a public interest test – in other words, does the public interest in disclosure outweigh the public interest in maintaining the exemption? However, there are a few exemptions where the test does not need to be applied – one example being where the information would prejudice national security.

#### **5 Publication scheme**

It is a requirement of the FOIA 2000 that all public authorities adopt and maintain a publication scheme. Our scheme sets out the classes of information that Land Registry makes available, or intends to make available, as a matter of course. It also covers the way in which that information is made available (for example, on the internet) and whether the information will be provided free or for a charge.

Requests for information available through the scheme are not deemed to be FOIA 2000 requests because the information is already reasonably accessible by other means. Land Registry’s publication scheme can be found on our website [www.landregistry.gov.uk](http://www.landregistry.gov.uk) or is available in hard copy by contacting the Publication Scheme Officer (see section 11 *General information* for contact details).

#### **6 So what is an FOIA request?**

Even though much of the information held by Land Registry is already routinely available either

under the LRA 2002 and LRR 2003 or through the publication scheme, this does not prevent you from using your legal right under the FOIA 2000 to ask whether Land Registry holds other information that you might require. See section 3 *What Land Registry information can I ask for?* for what to do where the information is available as of right under the LRR 2003.

#### **7 Making a request for information**

If your request is for information that is available as of right under land registration legislation, for example an official copy of the register, you should contact your local Land Registry office in the first place. Guidance on what information is available and how to obtain it is provided in Public Guide 1 – *A guide to the information we keep and how you can obtain it*. You may make your request in writing or by visiting one of our offices. If you intend to visit one of our offices, we strongly advise you to telephone beforehand so that we can ensure that the files we require are available when you visit.

If the information you require is covered by one of the classes in the publication scheme, you can request it from any local office or from the Publication Scheme Officer (see section 11 *General information* for contact details). Again you need not make a written request for this information.

If the information you are seeking does not appear to be readily available, then you need to make a written request (by letter, email or fax) under the FOIA 2000. This can be sent to any Land Registry office or to the Freedom of Information Officer (see section 11 *General information* for contact details).

#### **8 What will Land Registry do when my FOIA 2000 request is received?**

We will provide a reply to your request within 20 working days from the date of receipt of your request, although it may be necessary to ask you for further details to help identify the information you require. In some cases we may also ask you to pay a fee for the information requested. If you do not wish to pay this fee, you may withdraw your request. When

we reply we will state whether we hold the information you require and, in most cases, also supply that information.

However, the FOIA 2000 contains some exemptions to your legal right to receive the information and we may need to consider these.

Where we feel that the information you require cannot be supplied because of an exemption contained in the FOIA 2000, we will write to you confirming which exemption we believe applies and, where the decision to release or withhold the information requires us to apply the ‘public interest’ test (see section 4 *We also hold other information that is not available as of right. You can make an FOIA 2000 request for any of this information*), how we reached our decision that the information should not be supplied.

If we are unable to provide the information you require within 20 working days, we will inform you in advance and give you an estimate of the likely time it will take to deal with your request.

#### **9 What if I am not satisfied with Land Registry’s response to my request under the FOIA 2000?**

If you feel that Land Registry has not answered your request in accordance with the provisions of the FOIA 2000, you may write to the Head of Public Affairs (see section 11 *General information* for contact details) who will carry out an internal review and send you a response within 20 working days. If you are still not satisfied, you may write to the Information Commissioner (see section 11 *General information* for contact details) who has the power, under the FOIA 2000, to investigate the complaint and make a decision about whether the requested information should be made available.

#### **10 How does the FOIA 2000 affect any personal information Land Registry holds about myself?**

Your rights as a ‘data subject’ under the Data Protection Act 1998 are not affected by the provisions of the FOIA 2000. Under s.40, FOIA 2000, public authorities are, in general, exempt from the duty to provide access to personal data.

Under s.40(1), FOIA 2000, all requests for personal data by the 'data subject' are channelled through the access procedures described in Section 7 of the Data Protection Act 1998. For further details on the subject, please see Public Guide 5 – *Your rights under the Data Protection Act 1998*.

Registration Change Group  
Land Registry  
Lincoln's Inn Fields  
London WC2A 3PH  
(DX1098 London/Chancery Lane  
WC2)

## **11 General information**

The contact details of the various people referred to in the guide are as follows.

### **Publication Scheme Officer**

Land Registry Head Office  
Lincoln's Inn Fields  
London WC2A 3PH  
(DX 1098 London/Chancery Lane  
WC2)  
email: publication.scheme  
@landregistry.gsi.gov.uk

### **Freedom of Information Officer**

Land Registry Head Office  
Lincoln's Inn Fields  
London WC2A 3PH  
(DX1098 London/Chancery Lane  
WC2)  
email: foi@landregistry.gsi.gov.uk

### **Head of Public Affairs**

Land Registry Head Office  
Lincoln's Inn Fields  
London WC2A 3PH  
(DX1098 London/Chancery Lane  
WC2)  
email: mick.lewis@  
landregistry.gsi.gov.uk

### **Data Protection Officer**

Land Registry Head Office  
Lincoln's Inn Fields  
London WC2A 3PH  
(DX1098 London/Chancery Lane  
WC2)  
email: dataprotection@  
landregistry.gsi.gov.uk

### **Information Commissioner**

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
telephone: 01625 545 700  
email: mail@ico.gsi.gov.uk

If you have any general queries or comments you may email them to [foi@landregistry.gsi.gov.uk](mailto:foi@landregistry.gsi.gov.uk)

If you have any comments or suggestions about our guides, please send them to:

# Land Registry advisory policy

We offer advice to our customers through our publications and enquiry services and through the day-to-day handling of applications.

We provide factual information including official copies of registers, title plans and documents, searches and details of our forms and fees.

We provide procedural advice to explain how the land registration system works and how to make applications correctly. This includes:

- advice in advance of an application, where this is requested
- where an application is defective, advice as to the nature of the problem and what options, if any, are available to put it right
- an approval service for estate layout plans and certain other land registration documents.

There are limits to the advice that we will provide. We will not provide legal advice.

This means that:

- we will not approve the evidence to be produced in support of a registration application before we receive the application
- apart from procedural advice, we will not advise on what action to take
- we will not recommend a professional adviser but can explain how to find one.

We provide advice only about real cases, not about theoretical circumstances. We will not express a view on questions where the law is complex or unclear except where the question arises on a live registration application.

In providing this factual information and procedural advice we will:

- be impartial
- recognise that others may be affected by what we say
- avoid any conflict of interest.

Peter Collis  
Chief Land Registrar

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