



Neutral Citation Number:

IN THE FIRST-TIER TRIBUNAL **Appeal No: EA/2015/0063**
GENERAL REGULATORY CHAMBER
(INFORMATION RIGHTS)

ON APPEAL FROM:

The Information Commissioner's Decision Notice No: FS50554502

Dated: 19 February 2015

Appellant: Anne Waite

Respondent: The Information Commissioner

Before

HH Judge Shanks

(sitting alone on the papers)

Date of Decision: 14th August 2015

Subject matter:

Freedom of Information Act 2000

s.1	Whether information held
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DECISION OF THE FIRST-TIER TRIBUNAL

The Tribunal dismisses the appeal.

REASONS FOR DECISION

1. The Appellant, Ms Waite, is concerned about the way her local authority, the Royal Borough of Greenwich, retains and archives records and deals with FOIA requests. On 27 October 2014 as part of an extensive correspondence with the Council she asked for “ ... details of the document retention/archiving FOI training received by the ‘accountable’ person(s) in the Directorate of Regeneration, Enterprise and Skills from 2009 to date”. The answer given was “Training is on-going which will include legal advice as and when required”.
2. Ms Waite complained to the Information Commissioner who, having noted that the Council’s answer did not state whether any information answering Ms Waite’s request was held, contacted the Council. The Council made searches of the email accounts of the relevant accountable persons and of the HR and other relevant departments but told the Commissioner that it was unable to find any relevant

recorded information. In a decision notice dated 19 February 2015 the Commissioner decided that on the balance of probabilities the Council did not hold any recorded information answering Ms Waite's request and that no further steps were required.

3. It appears that Ms Waite was content with that finding which confirmed her own views; indeed, she states in her notice of appeal that, having spoken to the Commissioner's case worker on 30 January 2015, she *asked* him to draft a decision notice to that effect.
4. On 3 February 2015 she wrote to the Chief Executive of the Council drawing his attention to the apparent lack of relevant staff training and asking how he intended to remedy the situation. The Chief Executive responded on 25 February 2015 making various points in response including the statement that "... training sessions were provided for managers and section heads across all departments in the preparation for FOI".
5. It appears from her notice of appeal that this statement has led Ms Waite to appeal on the basis that, if the Council is able to make such a statement, it must have "hard evidence of training delivery". With respect to Ms Waite, I do not think the statement helps her in the way she contends. The statement is clearly referring to training in preparation for the coming into force of FOIA in 2005 while her request was for details of training in the period 2009 to date.
6. In the circumstances I see no grounds for disturbing the Commissioner's decision and I dismiss the appeal.

HH Judge Shanks

14th August 2015