

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 20 October 2015

**Public Authority:** Potto Parish Council  
**Address:** 34 The Birches  
Coulby Newham  
Middlesbrough  
Inverclyde  
TS8 0VA

#### Decision (including any steps ordered)

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1. The complainant has requested information relating to a complaint he made. Potto Parish Council disclosed some information, explaining that it did not hold any further information.
2. The Commissioner's decision is that the Council does not hold any further information and has complied with section 1 of the FOIA.
3. The Commissioner does not require Potto Parish Council to take any steps as a result of this decision notice.

#### Request and response

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4. On 18 March 2015, the complainant wrote to Potto Parish Council (PPC) and requested information in the following terms:
5. *"1. Copies of all of your enquiries and consultations.  
2. Copies of all of the replies and advice that you received.  
3. The name of the person(s) providing this advice and their organisation(s).  
4. Any other data that was evaluated by the parish council and used by councillors to reach the 'agreement' referred to in your email."*
6. PPC responded on 30 March 2015. In response to question 1 it explained that all of the relevant enquiries and consultations were undertaken verbally either by telephone or by face-to-face meetings and were subsequently discussed at Parish Council meetings. PCC also confirmed

that no records other than the minutes were retained by it and that copies of minutes were available on request or online at the Potto website. It also provided the complainant with a link to its website.

7. In response to question 2 PCC explained that its answer to question 1 also applied to question 2. In response to question 3 PCC explained that the organisations contacted included: YLCA and Hambleton District Council. In response to question 4 PCC explained that, as noted in the answer to point 1, it holds no other records than the minutes.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 8 April 2015 to complain about the way his request for information had been handled.
9. During the Commissioner's investigation the complainant explained that he wanted to know if the PPC had followed a complaints procedure when dealing with a separate complaint he had made to it. The Commissioner does not consider that this forms part of the present case.
10. The Commissioner will therefore consider whether PPC is correct to state that it does not hold any further information in relation to the present request.

### **Reasons for decision**

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11. Section 1 of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the information and, if so, to have the information communicated to him.
12. In cases where a dispute arises over the extent of the recorded information held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the public authority to check whether the information is held and any reasons offered by it to explain why the information is not held. In addition, the Commissioner will consider any reason why it is inherently likely or unlikely that the information is not held.
13. The Commissioner is required to make a judgement on whether, on the balance of probabilities, the requested information is held or not.
14. In relation to question 1, PPC explained that all of the relevant enquiries and consultations were undertaken verbally by telephone or by face to

face meetings and were subsequently discussed at Parish Council meetings. PCC also confirmed that no records other than the minutes are retained by it and that copies of minutes were available on request or online at its website. It also provided the complainant with a link to its website.

15. In response to question 2, PCC explained that its answer to question 1 also applied to question 2. In response to question 3, PCC explained that the organisations contacted included: YLCA and Hambleton District Council. In response to question 4, PCC explained that, as noted in the answer to point 1, it does not hold any other records than the minutes.
16. The Commissioner enquired whether the information had ever been held, and about the scope, quality, thoroughness and results of the searches carried out by PPC.
17. PPC explained that it was only a small parish council which does not have any IT infrastructure or computers of its own. PPC also explained that any emails are kept on the website of its email provider and minutes, agendas etc are stored on its web site, where all minutes and agendas since 2006 were available for viewing online. The Commissioner also enquired whether the information had ever been held but deleted and whether copies of information may have been made and held in other locations.
18. PPC explained that no recorded data is deleted or destroyed because all emails have been archived since its email system was established in 2011 and that its minutes, agendas etc from 2006 are available on its website.
19. The Commissioner also asked whether there was any legal requirement or business need for PPC to hold the information. PPC explained that information about local council documentation is contained in Chapter 11 of Local Council Administration by Arthur Baker (8<sup>th</sup> Edition) which provides guiding principles. The National Association of Local Authorities have summarised and published these guiding principles and PPC follows them.
20. Furthermore, the Commissioner considered whether PPC had any reason or motive to conceal the requested information, but he has not seen any evidence of this.
21. Taking everything into account, the Commissioner does not consider that there is any evidence that show that PPC holds any additional recorded information in relation to questions in this request.
22. The Commissioner is therefore satisfied that, on the balance of probabilities, PPC does not hold any further recorded information in

relation to this request. Accordingly, he does not consider that there is a breach of section 1 of the FOIA.

## Right of appeal

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23. 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@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

24. 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.
25. 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 .....**

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**