

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 September 2022

Public Authority: Stanley and Stanley Parish Council

Address: parishclerk@stanleyandstanleycommon-pc.gov.uk

Decision (including any steps ordered)

1. The complainant has requested information from Stanley and Stanley Parish Council ("the Council") regarding the Council's website and its domain provider. The Council disclosed information relevant to the request but advised no further information is held.
2. The Commissioner's decision is that, on the balance of probabilities, the Council holds no further recorded information relevant to the complainant's request and has therefore complied with section 1(1) of FOIA.
3. The Commissioner therefore does not require the Council to take any corrective steps.

Request and response

4. On 2 November 2021, the complainant wrote to the Council and requested information in the following terms:

"All Councillor & Clerk(s) correspondence (including Clerk & Councillor emails) since September 1st 2021 relating to the Council's website, and any documentation (including Clerk & Councillor emails) pertaining to the Council's .gov.uk domain/website provider/email services (i.e. costs, problems, solutions)."
5. The Council responded on 28 November 2021. It provided some information to the complainant and explained that it was the only

paperwork available, as all other paperwork was disposed of after the Council voted in favour of the particular quote and most communications were done verbally.

6. The complainant requested an internal review on 2 December 2021, advising that they do not believe that the Council carried out adequate and properly directed searches and also pointed out that the Council had “admitted to having destroyed information covered by my request”.
7. Following an internal review the Council wrote to the complainant on 6 December 2021. It stated it had made enquiries regarding the request and that discussions regarding the website had been handled at the extraordinary meeting, and dealt with verbally both inside the meeting and from third parties gathering information for the meeting. It also explained that the deletion of the information was agreed at a meeting on 27 October 2021, which was several days before the complainant’s request for information was made.

Scope of the case

8. The complainant contacted the Commissioner on 2 December 2021, to complain about the way their request for information had been handled.
9. The Commissioner has considered whether, on the balance of probabilities, the Council holds recorded information within scope of the request and whether it has complied with section 1(1) of FOIA.

Reasons for decision

10. Section 1(1) FOIA provides that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

11. The Commissioner has sought to determine whether, on the balance of probabilities, the Council holds the requested information.
12. The Council has explained that all information, other than that provided to the complainant already, has been destroyed, after it was agreed that

that was the quote they were going to go ahead with. It has provided the complainant with a copy of the quote that was decided upon.

13. The Council has also explained that the majority of communications were done verbally and that the information that was deleted was done so before the complainant's request for information was made.
14. On the balance of probabilities the Commissioner is satisfied that the requested information is not held by the Council, as some information has been provided and he has not been provided with any evidence that the Council would hold further information.
15. The Commissioner is satisfied that the Council has complied with its obligations under section 1(1)(a) FOIA in this case.

Right of appeal

16. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. 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.
18. 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

Michael Lea
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