

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 8 June 2011

Public Authority: Ordnance Survey
Address: Romsey Road
Southampton
SO16 4GU

Summary

The complainant made a request under the Freedom of Information Act 2000 (the "Act") to Ordnance Survey (OS) for information relating to 'Geoid Model OSGM05' and Ordnance Survey's policy on answering technical questions. OS provided the complainant with some information relevant to the scope of the request but confirmed that no further information was held. The complainant was not satisfied that no further information was held. The Commissioner considers that no further information is held by OS relevant to the scope of the request other than that which has already been provided to the complainant.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. The complainant made a request to OS on 8 July 2010. The request was for the following information:
"Reference number: 71858 /September 2009
[1] Reference the above are you still unable to provide any information on availability of OSGM05?

[2] As a supplementary question could you please confirm the total costs involved in generating OSGM05 and when the benefits of this expenditure will be made available and used by all rather than just a selective few academic researchers? To date there are examples of the results being quoted in a number of published papers with no acknowledgement of the data even being OS Copyright.

[3] I have attempted to get some technical questions on systematic and gross errors in UK levelling answered by a member of your technical staff but have had no response or acknowledgement of my emails. Can you confirm what is the policy of the Ordnance Survey to technical questions?"
3. On 26 July 2010 OS responded to the request for information. In relation to point 1 of the request OS stated that it "would expect a launch date of early 2011 for the new OSGM model". In relation to point 2 of the request, OS refused to provide the complainant with this information as it stated it was exempt from disclosure under section 43(2) (commercial interests). In relation to point 3 of the request OS explained that it did not have such a policy.
4. As the complainant was dissatisfied with the response he had received, on 30 August 2010 he asked OS to conduct an internal review in relation to its response to points 2 and 3 of the request.
5. On 22 October 2010 OS wrote to the complainant with the result of the internal review it had carried out. In relation to point 2 of the request it explained that in relation to OSGM05, part of the work had been carried out by the Danish National Space Centre and OS did not hold the cost of this work. It explained that OS had worked on the corrector surface element of OSGM05 and provided the complainant with the cost of this part of the work.

It withheld the cost benefits of the GPS/orthometric height corrector surface under section 22 FOIA. It explained that this information was intended for publication in Spring 2011. In relation to point 3 of the request it stated that it believed this had been answered fully in its initial response.

The Investigation

Scope of the case

6. On 23 November 2010 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider whether OS had dealt with points 2 and 3 of the request in accordance with the Act.
7. During the course of the Commissioner's investigation, in relation to point 2 of the request, the complainant explained that he did not wish to obtain the cost benefit. He said that he only wanted to know when the cost benefit would be made available. As OS had told the complainant when the cost benefit would be made available this will not be considered any further within this Notice.
8. The Complainant did however explain that in relation to point 2 of the request he was not satisfied that OS did not hold the cost of the other element of OSGM05, ie the work carried out by the Danish National Space Centre.

Chronology

9. On 11 February 2011 the Commissioner wrote to OS to determine whether, in relation to point 2 of the request, it held the cost of the other element of OSGM05, and in particular why it had applied the exemption located at section 43(2) of the Act in its original response if this information was not held. The Commissioner also asked OS for further submissions in relation to how it had come to the conclusion that the information requested at point 3 of the request was not held.
10. On 11 March 2011 OS responded to the Commissioner. In relation to point 2 of the request it explained that it did not hold the cost of the other element of OSGM05. It said it only held the cost of the OSGM05 height corrector surface which it had provided to the complainant. It explained that it had originally applied section

43(2) to the cost of the OSGM05 height corrector surface, however at internal review it decided that this exemption was not applicable and that this information could be disclosed. It went on to provide submissions to explain why the cost of the work carried out by the Danish National Space Centre in relation to OSGM05 was not held. In relation to point 3 of the request, it also provided submissions to explain why this information was not held.

Analysis

Substantive Procedural Matters

Section 1(1)(a)

11. Section 1(1)(a) states that:

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

to be informed in writing by the public authority whether it holds information of the description specified in the request,”

Point 2 of the Request

12. In this case OS has informed the Commissioner that it does not hold the cost of the work carried out by the Danish Space Centre on OSGM05.
13. OS explained that the OSGM05 Geoid Model is made up from two elements. The first is the new gravimetric geoid for the British Isles and Ireland (this part has been carried out by the Danish National Space Centre) and the new GPS/orthometric height corrector surface which is carried by OS via a contract.
14. It said that not all of the cost information is held by OS, it explained that it had provided the cost information it held in the internal review response, and had explained to the complainant that it was unable to provide the overall costs for the Geoid Model OSGM05 as the gravimetric geoid work was undertaken by the Danish National Space Centre not OS and this information was not held by OS.

15. OS explained that it held an e-mail from one of the staff involved in this project, detailing the costs to develop the corrector surface element of OSGM05. It explained that all other information around the creation of the new OSGM05 gravimetric geoid model can be found in the following sources:
 1. A paper which was provided to the Commissioner
 2. Conversations with the people at UCL who have worked on the model
 3. A high level overview from G. Strykowski and R. Forsberg, Dept. of Geodynamics, Danish National Space Center from 2005 which states "We have recomputed OSGM02 gravimetric geoid for the British Isles and Ireland using the new GRACE geopotential model GGM02s as a long-wavelength reference. The new GRACE data are expected to provide a superior long-wavelength geoid information for OSGM02."
16. OS explained that the cost of the work carried out by the Danish National Space Centre was never held by OS.
17. OS explained that if the information were held it would be covered by its formal records management policy. Electronic & paper records are covered by this policy. Newly implemented systems are required to complete a Privacy and Information Risk Assessment (PIRA) which agree retention policies for information. The question of retention of information is dealt with in the PIRA.
18. It explained that if the information were held it would be held for data quality and integrity purposes.
19. It explained that there is no statutory requirement for it to hold this information.
20. In coming to a decision in this case the Commissioner was mindful of the Information Tribunal decision of Bromley v The Information Commissioner and The Environment Agency (EA/2006/0072) in which it was stated that "there can seldom be absolute certainty that information relevant to a request does not remain undiscovered somewhere within a public authority's records". It was clarified in that case that the test to be applied as to whether or not information was held was not certainty but the balance of probabilities.

21. In the later case of *Ames v The Information Commissioner and The Cabinet Office (EA/2007/0110)*, Mr Ames had requested information about the September 2002 "Iraq's Weapons of Mass Destruction" dossier. The Tribunal said that the Iraq dossier was *"...on any view an extremely important document and we would have expected, or hoped for, some audit trail revealing who had drafted what..."*. However, it said that the evidence of the Cabinet Office was such that the Tribunal could nonetheless conclude that they did not *"...think that it is so inherently unlikely that there is no such audit trail that we would be forced to conclude that there is one..."*
22. Having taken into account the submissions provided by OS as well as the submissions put forward by the complainant and also the previous Tribunal decisions highlighted above, the Commissioner considers that on the balance of probabilities OS does not hold the cost information relating to the gravimetric geoid element of OSGM05 carried out by the Danish National Space Centre. Therefore the Commissioner considers that OS complied with section 1(1)(a) of the Act.

Point 3 of the Request

23. In this case OS has informed the Commissioner that it does not hold a policy on responding to technical questions.
24. It explained that in its response of the 26th July, it advised the complainant that:
"Ordnance Survey will wherever possible answer technical questions, but does not have a policy in relation to answering such specific questions.

Requests that are made to Ordnance Survey through our Customer Service Centre are subject to time compliance. You can view more about our Customer Service Centre operations on the following link to the Ordnance Survey website:

<http://www.ordnancesurvey.co.uk/oswebsite/aboutus/servingyou/>

Requests made to Ordnance Survey under the Freedom of Information Act 2000 (FOIA), will be addressed within the specified timescales which is twenty working days, unless there is a complex public interest test to consider, and the deadline for a response may then be extended in these instances."

25. To clarify further it said that its Customer Service Centre are happy to respond to questions, and their procedure and time compliance can be found in the section of its website as detailed in the above web link, however there is no policy in place for responding to technical questions alone.
26. It concluded that upon conducting the internal review it found that there was no further information which could be provided to respond to this question, as all information held had been fully provided on the 26th July 2010, which the internal review response advised.
27. It explained that to be sure there was no further information held it undertook a search of its electronic records management system to determine if any further information in relation to customer service standards was held. It said that it located a document called 'Are we serving you'. This was a leaflet originally produced in 2006 (the version found was saved in April 2008) and detailed its customer service 'standards'. However, it explained that this had since been updated with the correct content which is available on the website (link provided above). Furthermore the other document found was not a specific policy relating to responding to technical questions.
28. Upon considering the submissions provided by OS and again the Tribunal decisions highlighted above the Commissioner considers that on the balance of probabilities OS does not hold a specific policy on responding to technical questions. Therefore the Commissioner considers that OS complied with section 1(1)(a) of the Act.

The Decision

29. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act.

Steps Required

30. The Commissioner requires no steps to be taken.

Right of Appeal

31. 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,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: informationtribunal@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

32. 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.
33. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Dated the 8th day of June 2011

Signed

Pamela Clements

Group Manager, Complaints Resolution

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Legal Annex

General Right of Access

Section 1(1) 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."

Section 2(3) provides that –

"For the purposes of this section, the following provisions of Part II (and no others) are to be regarded as conferring absolute exemption –

- (a) section 21
- (b) section 23
- (c) section 32
- (d) section 34
- (e) section 36 so far as relating to information held by the House of Commons or the House of Lords
- (f) in section 40 –
 - (i) subsection (1), and
 - (ii) subsection (2) so far as relating to cases where the first condition referred to in that subsection is satisfied by virtue of subsection (3)(a)(i) or (b) of that section,
 - (iii) section 41, and
 - (iv) section 44"