

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 2 August 2012

**Public Authority:** Bassetlaw District Council  
**Address:** Queen's Buildings  
Potter Street  
Worksop  
Nottinghamshire  
S80 2AH

#### Decision (including any steps ordered)

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1. The complainant has requested copies of all documentation (excluding invoices) passing between Bassetlaw District Council (the council), and two named contractors to the council, relating in any way to a minute of the (council's) Standards Committee meeting of 23 November 2009. The complainant also indicated that she had been the recipient of a malicious anonymous letter.
2. The Commissioner's decision is that the council has complied with FOIA and does not need to take any steps to ensure compliance with the legislation.

#### Request and response

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3. On 13 November 2011, the complainant wrote to the council requesting information in the following terms:

*"As a victim of [an] anonymous letters attack, I would ... request copies of all documentation (excluding invoices) passing between [the council and two named contractors] (prior to the [contractor's] report dated May, 2010) relating in any way to a minute of the Standards Committee of 23<sup>rd</sup> November, 2009."*

4. The council responded on 16 November 2011. It stated that some correspondence within the scope of the information request was no

longer available as the council had switched its electronic records storage facility earlier in 2011 and relevant files had not been transferred. It also refused to provide some information relying on the personal information (section 40) exemption of FOIA.

5. Following an internal review the council wrote to the complainant on 6 December 2011 maintaining its position. The council also referred to an earlier decision by the Information Commissioner following his consideration of a related information request, ICO reference FS50358820.

### Scope of the case

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6. The complainant contacted the Commissioner to complain about the way her request for information had been handled. She said that the named contractors for the council had been engaged to conduct an investigation, following an anonymous letters attack, the outcome of which had not been reported to the council's Standards Committee. She said that the council had resolutely refused to provide the recipients of the anonymous letters with any information and there had been no apology to them. The complainant did not accept that the archived email correspondence was now irretrievable. She also maintained that there must have been a second report to the council from the contractors which she believed that the council held but was withholding from her.
7. The Commissioner determined the scope of this investigation to be whether or not the council hold, and are withholding from the complainant, information falling within the scope of the information request.

### Reasons for decision

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8. Section 1(1) of FOIA states that:

*"Any person making an information request 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 the information communicated to him."*

9. During the Information Commissioner's investigation, there were extensive exchanges of correspondence between his staff and the parties. The outcome of these was that some information, in the form of

exchanges of email correspondence, was located by the council and disclosed to the complainant in redacted form. All of the redactions relied upon the personal information exemption of FOIA, section 40(2). The Information Commissioner decided that these redactions had been made correctly, a conclusion which the complainant accepted. The Information Commissioner has not therefore given section 40(2) FOIA matters any further consideration.

10. The complainant continued to maintain, with supporting submissions, that additional undisclosed information, notably a second report from the contractors, must be held by the council, an assertion the council denied. The Information Commissioner put the complainant's points to the council in detail and obtained reasoned and satisfactory responses from it.
11. The council continued to maintain, with supporting evidence, and formal confirmation at senior officer level, that there was no further recorded information held falling within the scope of the information request. The council confirmed to the Information Commissioner that its officers had interrogated its email system and archive. They had found no further undisclosed information beyond the email correspondence and related documentation that had by then been declared to the Information Commissioner and disclosed to the complainant in redacted form.
12. As regards the complainant's belief that a second report from the contractors was held, the council told the Information Commissioner that:

*"The further issue about "another" report has been dealt with in responses to a number of FOI requests. But to confirm again, there was only one report. This was the report which was the subject of the ICO decision notice dated 29 September 2011. (case reference number FS50358820)."*

13. The Information Commissioner decided on a balance of probabilities that the council holds no relevant undisclosed information and that it has therefore now responded appropriately to the information request.

## Right of appeal

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14. 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: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

15. 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.
16. 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**