

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 January 2013

Public Authority: Chief Constable of Thames Valley Police

Address: Thames Valley Police HQ

Oxford Road

Kidlington

Oxfordshire

OX5 2NX

Decision (including any steps ordered)

1. The complainant requested information relating to a vehicle that he believed was driven by a visitor to Thames Valley Police headquarters. Thames Valley Police (TVP) stated that it did not hold this information.
2. The Commissioner's decision is that TVP stated correctly and in accordance with section 1(1)(a) of the FOIA that this information was not held.

Request and response

3. On 10 February 2011, the complainant wrote to TVP and requested information in the following terms:

"(i) The name/rank/position of [named police officer's] supervisor.

(ii) The name/rank/position/employer of the driver of the Silver Mondeo [Registration specified] who caused the driveway obstruction.

(iii) A certified copy of the TVP (South) reception log book for 7 February 2011 showing the time logged in and the time logged out of the driver in (ii) above."
4. TVP refused this request under section 14(1) of the FOIA as it considered it to be vexatious. This refusal was upheld by the Commissioner in a decision notice issued on 14 November 2011.

5. The complainant appealed this decision to the First-tier Tribunal (Information Rights). The Tribunal upheld the appeal and issued an amended decision notice requiring TVP to comply with the request.
6. On 12 April 2012 TVP issued a response in line with the amended decision notice. The information specified in request (i) was disclosed. In response to requests (ii) and (iii) TVP stated that it did not hold any information.
7. The complainant responded to TVP on 6 August 2012 and requested an internal review in relation to requests (ii) and (iii). The response giving the outcome of the internal review was dated 30 August 2012 and stated again that TVP did not hold the requested information.

Scope of the case

8. The complainant contacted the Commissioner on 3 September 2012 following the outcome of the internal review. The complainant indicated that he did not accept that TVP did not hold the information he had requested and wished the Commissioner to investigate whether the response from TVP on this point was correct.

Background

9. The request relates to an incident in which the complainant's driveway was blocked by the vehicle of someone he believes was visiting TVP headquarters.

Reasons for decision

Section 1

10. Section 1(1)(a) of the FOIA provides that upon receipt of an information request a public authority is obliged to confirm or deny whether it holds information falling within the scope of the request. If a public authority states incorrectly that it does not hold information, it will be in breach of the FOIA. The task for the Commissioner here is to reach a conclusion as to whether, on the balance of probabilities, TVP was correct in stating that it did not hold information falling within the scope of requests (ii) and (iii).
11. In evidence for its position that it does not hold this information, TVP supplied to the Commissioner's office copies of the pages of its visitor

book for the date specified in the request. This asked for the name and other details of visitors to TVP, including vehicle registration number.

12. The complainant specified "*reception log book*" in his request. The documents supplied to the Commissioner's office are titled "Visitors Book". Whilst there is a discrepancy in the titles between the wording of the request and these documents, the Commissioner considers it clear that the "Visitors Book" constitutes the information the complainant envisaged when making his request.
13. The visitor book does not include any entry with the vehicle registration number specified in the request. The view of the Commissioner is, therefore, that TVP clearly does not hold the information specified in request (iii).
14. In relation to request (ii), whilst the complainant may argue that this information could be held elsewhere than in the visitors book, the Commissioner is satisfied that, on the balance of probabilities, as the visitors book does not record anything relating to the vehicle specified in the request, it is highly unlikely that TVP would hold in any other location information about the driver of that vehicle.
15. On the basis of the evidence supplied to his office by TVP, the conclusion of the Commissioner is that TVP does not hold any information falling within the scope of requests (ii) and (iii). There was, therefore, no breach of section 1(1)(a) of the FOIA in the handling of these requests following the issuing of the amended decision notice by the First-tier Tribunal.

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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

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

Gerrard Tracey
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