

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 4 February 2013

**Public Authority:** Colehill Parish Council

**Address:** 1 Hornbeam Way

Colehill

Wimborne

Dorset

BH21 2QE

### **Decision (including any steps ordered)**

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1. The complainants have requested various pieces of information from Colehill Parish Council ("the council") relating to the Wimborne Cemetery Joint Management Committee (WCJMC). The Commissioner's decision is that the council does not hold some of the information requested, and has incorrectly withheld some of the information under section 41 of the Act.
2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:
  - Disclose the identity of person/company responsible for memorial testing as sought by request D below.
  - Disclose a copy of the inspector's report as sought by request E below.
3. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

### **Request and response**

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4. The complainants made various information requests between 27 March 2012 and 4 May 2012 to three councils: Wimborne Minster Town

Council, Pamphill and Shapwick Parish Council and Colehill Parish Council. The requests concern information relating to the Wimborne Cemetery Joint Management Committee ("WCJMC"). The Commissioner's understanding is that the WCJMC comprises of the three local authorities referred to above.

5. Between 27 and 29 March 2012, the complainants submitted a number of requests for information. These are set out in the appendix at the end of this notice.
6. On 24 April 2012, the complainants received a response from the WCJMC. The WCJMC made reference to certain pieces of information being withheld on the basis that they are confidential but did not appear to address each piece of information being sought. The complainants sought an internal review of this decision on 3 May 2012.
7. On 4 May 2012, the complainants made a further request for a *"copy of any references made regarding our company."*
8. A response was received on 4 May 2012 from WCJMC, ostensibly on behalf of the council, stating that it did not hold a copy of any references. The WCJMC wrote to the complainants again on 8 May 2012 indicating that the requests had been taken as far as possible.
9. The council then responded on 10 May 2012, stating that the WCJMC was a separate body and directed the complaints to the ICO; indicating that it could not take their requests any further.
10. The complainants then wrote to the council on 15 May 2012, restating all of the requests outlined above and expressing dissatisfaction with the responses provided.

### **Scope of the case**

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11. The complainants contacted the Commissioner on 28 August 2012 to complain about the way their requests for information had been handled. They specifically asked the Commissioner to consider the council's failure to provide them with the information requested.
12. The Commissioner wrote to the council explaining its obligations under the Act. In particular, he highlighted that information which is held by the WCJMC would appear to be held on behalf of the council under section 3(2) of the Act.

13. Following the Commissioner's investigation, he has reached the view that much of the information which has been requested is not held by the council within the meaning of the Act.
14. In respect of the information the council does appear to hold, some has been disclosed informally. This includes a reference requested on 4 May 2012, which the council initially said it did not hold.
15. The complainants have requested the Commissioner address the council's argument that the information requested at point 3 of the 27 March 2012 request and point 2 of the request of 28 March 2012 are not held. For the sake of clarity, these requests are as follows:

*"3. List of all persons, businesses or organisations to whom the new Cemetery regulations have been issued (both the 31 December 2011 and 6 March 2012 amended version)." ("Request A")*

*"2. A list of Masons and any other persons or organisations to whom the ... letter [referred to in the extract from the WCJMC minutes of meeting on Monday 27 November 2011] was sent." ("Request B")*

16. The complainants have also asked the Commissioner to address in his notice the council's decision to withhold points 7 and 8 of the request dated 27 March 2012, and point 1 of the second request of 29 March 2012. For the sake of clarity, these requests are as follows:

*"7. A copy of the 'letter received regarding the installation of memorials', which is referred to within the Minutes of the Cemetery Meeting of 27 November 2011, Item 11/148 correspondence." ("Request C")*

*"8. Details of the person/company responsible for the memorial 'testing' which took place within Wimborne Cemetery." ("Request D")*

*"1. A copy of the independent inspector's report and findings regarding the inspection of the representative sample of recent memorials as described in the WCJMC minutes of meeting attached below." ("Request E")*

17. As multiple sections of the Act are relevant to the above pieces of information, the Commissioner has structured his decision by reference to the information requested rather than the sections of the Act. First, he has considered whether the council holds information relating to requests A and B. Next, he has considered whether the council is obliged to provide the information sought by requests C, D and E.

## Reasons for decision

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### Requests A and B

#### Section 1

18. Section 1 of FOIA 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 and if that is the case to have that information specified to them.
19. The Commissioner notes his guidance, ['Determining what information is held'](#), which states:

*"When the Commissioner receives a complaint that a public authority has not provided any or all of the requested information, it is seldom possible to prove with absolute certainty that there either isn't any information or anything further to add. The Commissioner will apply the normal civil standard of proof in determining the case, i.e. he will decide on the balance of probabilities whether the information is held..."*
20. The complainants have presented the Commissioner with various arguments as to why they believe the council holds the information sought by requests A and B. They have drawn the Commissioner's attention to emails which have been sent to particular groups of organisations/individuals. For example, the complainants have highlighted a document sent on 1 November 2012 titled 'Revised Fees for 2013', which was sent to a number of recipients, and argue that this illustrates the council holds a "circulation list". In addition, the complainants have presented to the Commissioner various reasons why it would be useful for the council to maintain a list of all accredited stonemasons and funeral directors to work in its cemetery.
21. It is important when considering arguments under section 1 to have careful regard to the description of the information specified in the request. Request A is for a list to whom the new cemetery regulations were sent on 31 December 2011 and 6 March 2012. Similarly, request B seeks a list of all persons to whom the letter written to 'all masons' (referred to in the extract from the WCJMC minutes of meeting on Monday 27 November 2011) was sent. (The wording of the request of 28 March 2012 makes clear that this is not the same letter as identified in request C: see appendix.) It therefore does not follow that even if the council holds a list recording all accredited stone masons and funeral directors authorised to work in the cemetery, that they would hold the information identified by requests A and B. This is because the requests

are not for a general circulation list or a list of all accredited masons/funeral directors. Instead, they seek specific lists recording those to whom particular pieces of correspondence were sent.

22. The council has advised the Commissioner that it does not hold such a list and that no list was created at the time the relevant correspondence was circulated. However, the council provided the Commissioner with a list indicating organisations/individuals to whom the relevant correspondence may have been sent. Following further enquiries from the Commissioner, the council explained that this document does not record whom the correspondence referred to in the complainants' requests was sent. Instead, it is a general mailing list which is amended as required. The council has noted that it does not know if the all of the organisations appearing on this list were sent the correspondence specified in the requests; or indeed whether organisations additional to those appearing on the mailing list were sent the relevant correspondence. Consequently, it appears this list is not what has been requested by the complainants.
23. Though the council is clear that the WCJMC did not consciously create a list to reflect to whom these pieces of correspondence had been sent to, it conducted searches to establish whether the information might be held in any event. To this effect, it conducted a search/inspection of its post book. However, the council explained that WCJMC's post book merely indicated that a number of letters had been sent out but not to whom they had been sent.
24. In the circumstances, the Commissioner does not consider that there is any evidence which would justify him refusing to accept the council's position that it does hold the information identified by requests A and B. The Commissioner is therefore satisfied that on the balance of probabilities, the information specifically requested is not held by the council and, accordingly, that there has not been a breach of section 1 of the Act.

## **Request C**

### Section 41

25. Section 41(1) of the Act states that:

*"Information is exempt information if –*

*(a) it was obtained by the public authority from any other person (including another public authority), and*

*(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority*

*holding it would constitute a breach of confidence actionable by that or any other person."*

26. The Commissioner considers that "person" can be a legal or natural person.
27. Therefore, for this exemption to be engaged two criteria have to be met: the public authority has to have obtained the information from a third party that is a legal or natural person and the disclosure of that information has to constitute an actionable breach of confidence.
28. The Commissioner considers it is clear that the information identified by request C was provided to the public authority by a third party. The key issue therefore is whether disclosure of this information would constitute an actionable breach of confidence.
29. In most cases, the approach adopted by the Commissioner in assessing whether disclosure would constitute an actionable breach of confidence is to follow the test of confidence set out in *Coco v A N Clark (Engineering) Ltd* [1968] FSR 415 ("the Coco test").
30. This judgment suggested that the following three-limbed test should be considered in order to determine if information was confidential:
  - Whether the information has the necessary quality of confidence;
  - Whether the information was imparted in circumstances importing an obligation of confidence; and
  - Whether an unauthorised use of the information would result in detriment to the confider.
31. Information will have the necessary quality of confidence if it is not otherwise accessible and if it is more than trivial. The Commissioner is satisfied that that the content of the letter is more than trivial. However, there have been concerns expressed by the complainants as to whether the contents of the letter can be said to be "not otherwise accessible".
32. The Commissioner's approach is that information which is known only to a limited number of individuals will not be regarded as being generally accessible, though it will be if it has been disseminated to the general public.
33. As is clear from the wording of the request, the letter being sought was referenced in the WCJMC's minutes on 27 November 2011. As the letter was referred to in a public meeting, the information contained in the letter has clearly been disclosed in public to some extent.

34. However, there is no evidence before the Commissioner to suggest that the letter was discussed on repeated occasions at subsequent meetings. The complainants have acknowledged that the minutes of subsequent WCJMC meetings do not show that the letter was repeatedly referred to. The Commissioner understands that the letter was next referred to in a WCJMC meeting on 23 April 2012 where it was stated: "*... the original letter advising us of problems was exempt/confidential and is not for disclosure to the public, that this information should be withheld.*"
35. Moreover, there is no clear evidence to suggest that the full contents of the letter were discussed at the meeting of 27 November 2011. The WCJMC has explained that although the letter was referred to, it was not disclosed at the meeting whom had written the letter nor whom the letter was written about. Instead, it has advised the Commissioner that all that was stated at the meeting was that a letter had been received and that as a result an independent inspection of the cemetery would take place. The Commissioner does not consider that there is any evidence before him to doubt this account of events.
36. In response to some of the complainants' other information requests, outlined in the appendix to this notice, the council explained that it did not hold various pieces of information because the requests pertained to matters dealt with via telephone conversations. The complainants have argued that this response illustrates that the WCJMC, through these telephone conversations, has made public the contents of the letter. Accordingly, the Commissioner has sought to clarify with the WCJMC to what extent the contents of the letter have been made public. The WCJMC stated that the letter was only referred to at the public meeting of 27 November 2011. It also stated that the telephone conversations referred to in his correspondence with the Commissioner pertained to other pieces of information requested and not that sought in request C. Again, the Commissioner can see no basis for not accepting this.
37. The Commissioner can understand how the letter being raised at a public meeting might raise doubts as to whether the information contained in the letter can be said to be "not otherwise accessible". However, the evidence before the Commissioner suggests that the reality of the situation appears to be that the letter was referred to, rather than disclosed, at a single meeting with a limited number of people present. This is not akin to the information being disseminated to the general public; as would be the case via a disclosure under the Act. Indeed, although the letter was referred to at a public meeting some time ago, there is no are no existing means for the public to access the contents of the letter.



38. Accordingly, the Commissioner is of the view that, on balance, the letter cannot be regarded as being "otherwise accessible" and therefore has the necessary quality of confidence.
39. However, a breach of confidence will not be actionable if the information was not communicated in circumstances that created an obligation of confidence. An obligation of confidence may be expressed explicitly or implicitly. In this regard, the judge in *Coco v Clark* suggested that the reasonable person test may be a useful one:

*"If the circumstances are such that any reasonable man standing in the shoes of the recipient of the information would have realised that upon reasonable grounds the information was being given to him in confidence, then this should suffice to impose upon the equitable obligation of confidence."*

40. The council has argued that *"the letter was sent and received on the understanding that it remained totally confidential"*. The letter is not marked as being provided on condition that it was kept confidential. The Commissioner therefore sought to clarify why the WCJMC considered that the letter had been communicated in circumstances importing an obligation of confidence.
41. The WCJMC has advised the Commissioner that the author of the letter telephoned before sending the letter to discuss its contents. In the course of that conversation, the author indicated to the WCJMC that the letter was to be sent on the understanding that it was private and not to be disclosed. The Commissioner queried with the WCJMC why the author would telephone it before the letter was sent. The WCJMC explained that as small organisation it was normal that individuals/organisations would contact it to discuss matters informally.
42. On the evidence presented to him, the Commissioner accepts that the telephone conversation referred to above took place. The WCJMC's account of the conversation suggests that the letter came with a clear understanding that it was being provided in confidence. This leads the Commissioner to the conclusion that the letter was communicated in circumstances importing an obligation of confidence.
43. With regard to detriment, the Commissioner notes Lord Keith's comments, in *Attorney General v Guardian Newspapers [1990] 1 AC 109*, that it would be a sufficient detriment to the confider if information given in confidence was disclosed to persons whom the confider "... would prefer not to know of it, even though the disclosure could not be harmful... in any positive way". Therefore, as the author of the letter has an expectation of confidence over the letter its disclosure would in itself constitute a detriment to that person. There is also a possibility that



having raised matters resulting in an inspection of the cemetery that individual could face adverse repercussions.

44. Consequently, the Commissioner is satisfied that, on the balance of probabilities, disclosure of the information sought by request C would constitute an actionable breach of confidence.

Would a public interest defence be available?

45. Case law suggests that a breach of confidence will not be actionable in circumstances where a public authority can rely on a public interest defence. The duty of confidence public interest test assumes that the information should be withheld unless the public interest in disclosure exceeds the public interest in maintaining confidence.
46. The complainants have argued to the Commissioner that disclosure would be in the public interest. In particular, they have argued that the council has taken action based upon the contents of the letter and it is therefore unfair that they have not had the opportunity to respond to its contents. The Commissioner can see that it would be unfair for individuals to be treated adversely by a public authority on the basis of particular information without having the opportunity to respond to that information. However, having considered the information before him, the only clear evidence of action which the Commissioner can see has been taken *on the basis of the information described in request C* is the commission of the report described by request E.
47. The Commissioner takes the view that a duty of confidence should not be overridden lightly. Disclosure of confidential information undermines the principle of confidentiality itself which depends on a relationship of trust between the confider and the confidant. As the Commissioner has said above, individuals might be discouraged from confiding in public authorities if they did not have a degree of certainty that such confidences would be respected. The Commissioner considers that it is in the public interest that individuals can approach public authorities with concerns, expressed in confidence, with the assurance that their confidence will generally be honoured. There is a public interest in maintaining trust and preserving this free flow of information to public authorities where this is necessary for the public authority to perform its functions in the public interest.
48. Consequently, the Commissioner considers that there would not be a public interest defence to any actionable breach of confidence in respect of any disclosure of the information sought in request C.

49. The Commissioner's decision, therefore, is that the council has correctly withheld the information sought in request C under section 41(1) of the Act.

## **Request D**

### Section 41

50. The council has also sought to rely on the confidentiality exemption as its basis for withholding the identity of the report's author. The Commissioner notes that the report itself does not contain the name of the report's author. It is therefore difficult to apply the same arguments pertaining to the confidentiality of the report itself to the report's author. This, combined with the fact that the council's arguments on this point were not as detailed as the Commissioner would have liked, has placed the Commissioner in a position of being unable to accept the council's application of section 41 to request D.

### Section 40(2)

51. In his correspondence with the Commissioner, the council has also raised the possibility that the information identified in request D may be exempt under section 40(2) of the Act. However, it has not provided detailed arguments in support of section 40(2)'s application.
52. The personal data exemption of the Act (section 40(2)) states that if disclosure of the requested information would breach any of the data protection principles, that information is exempt. The Commissioner has therefore considered whether any of the withheld information is personal data.
53. Personal data is defined in section 1 of the DPA as follows:

*"personal data' means data which relate to a living individual who can be identified –*

*(a) from those data, or*

*(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,*

*and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual."*

54. The Commissioner is of the view that the name of the report's author is clearly personal data as it relates to an identifiable individual.

55. The Commissioner has then gone on to consider whether disclosure of the name of the report's author would constitute a breach of the first data protection principle. The first data protection principle states

*"Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –*

*(a) at least one of the conditions in Schedule 2 is met, and*

*(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met."*

56. In considering whether disclosure of the name of the report's author would contravene the requirements of the data protection principle the Commissioner has taken into consideration the following factors:

- The reasonable expectations of the data subject;
- The consequences of disclosure;
- What information is already in the public domain;
- The balance between any legitimate public interest in disclosure and the rights and freedoms of the data subject.

57. The Commissioner has considered the fact that the inspector was not undertaking work in private but would have had to undertake the inspection necessary to compile the report in a public cemetery. However, just because the inspection itself was public it does not automatically follow the inspector's identity should be disclosed. An isolated number of individuals observing the inspector carrying out their task in the cemetery in question is very different to their identity being disclosed to the world as large through an information request under the Act.

58. However, the Commissioner would also note that if public money has been spent on the commission of the report, this expenditure is likely to be identified in the council's accounts. To this effect, the WCJMC has confirmed to the Commissioner that it paid £135 for the report. As public authorities are expected to be transparent regarding their accounts, the Commissioner considers that the identity of the report's author is something which would be likely to be publically available information in any event. This is a significant factor is suggesting that it would not be unfair to disclose this information.

59. Given the fact of their work, if not their findings, is likely to appear in the public authority's accounts, the Commissioner does not consider that the report's author can have a reasonable expectation that their identity

would not be disclosed. Even putting this consideration to one side, the Commissioner is of the view that when an individual contracts with a public authority they should generally expect the fact of that association to be disclosed. This is because there is a high expectation of transparency in identifying how a public authority has spent public money.

60. Furthermore, for the findings of such a report to be credible it is imperative that the author is independent and possesses the relevant expertise. Failure to disclose the author of such a report could lead to concerns regarding their independence. If a public authority is making decisions based on the contents of such reports, it is important that the public have confidence that those reports are compiled by persons who are independent and possess the appropriate expertise.
61. Disclosure of the report's author may therefore promote public confidence in the workings of the public authorities. Knowledge that the author of such reports may be made public is also likely to promote public authorities selecting appropriate individuals. The Commissioner considers that this will ensure that the quality of such reports is adequate which will have a positive effect on public authorities' decision making.
62. For these reasons, the Commissioner is not satisfied that disclosure of the report's author would breach the first data protection principle.

#### Legitimate interests and lawfulness

63. Having decided that the disclosure of the report's author would not be unfair in the terms expressed by the first data protection principle, the Commissioner has gone on to consider whether the information should be disclosed. This requires an 'enabling' condition from Schedule 2 of the DPA to be met. The applicable condition is the sixth:

Condition 6(1) provides that:

*"The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason for prejudice to the rights and freedoms or legitimate interests of the data subject."*

64. In order for the condition to be met, the Commissioner considers that disclosure must satisfy a three part test:
  - (i) There must be a legitimate interest in disclosing the information;
  - (ii) The disclosure must be necessary for that legitimate interest; and

(iii) Even where the disclosure is necessary it must not cause unwarranted harm to the rights, freedoms and legitimate interests of the data subjects.

65. The Commissioner considers that he has outlined the legitimate public interests in disclosure of the report's author in paragraphs 58 – 61 above. Consequently, the Commissioner considers that there is a legitimate interest in disclosure of the information sought by the complainants.
66. On the basis of the representations put to him, the Commissioner's view is that disclosure of this information would not cause an unfair degree of intrusion into the relevant individual's privacy and that there is a legitimate public interest in such disclosure. He considers that disclosure of the information is necessary for these legitimate interests and would not cause unwarranted harm to the rights of the data subjects.
67. It is also necessary, when considering disclosure of personal data, to be satisfied that the disclosure would not be unlawful. The Commissioner's guidance indicates that disclosure would be unlawful if it would involve a breach of confidence, of an enforceable contractual agreement or of a statutory bar to disclosure (or, indeed, if disclosure would amount to a criminal offence). The Commissioner has not been satisfied by the council's arguments that disclosure of request D would result in an actionable breach of confidence. He has also not received arguments to suggest that disclosure would lead to a breach contract or a statute, or indeed that disclosure would amount to a criminal offence. He therefore has no reason to think that disclosure would be unlawful.
68. Having already established that the processing is fair, the Commissioner is also satisfied that the release of the information would not cause any unnecessary interference with the rights, freedoms and legitimate interests of the data subjects. He is therefore satisfied that the schedule 2 condition is met. In addition, he does not believe that disclosure would be unlawful.

## **Request E**

### Section 41

69. The WCJMC has explained that there was no written contract for the provision of the report. Instead it was commissioned via a telephone call from the WCJMC to its author. In the course of the conversation, the WCJMC stressed that the purpose of the report was to identify any workmanship faults found within the cemetery. The WCJMC has argued to the Commissioner that this made it clear to the author that the contents of the report would not be disclosed. The argument being, that unless the report was understood to be confidential the author may have

felt inhibited from identifying faults. Consequently, unless there was an understanding that the report would be provided in confidence, the WCJMC could not be sure that the report would fulfil its purpose.

70. The Commissioner considers that as a general principle, reports commissioned by public authorities scrutinising the quality of the services which they have responsibility for should be available to the public. The Commissioner is not persuaded that unless the report had been provided in confidence the council could not have been certain to obtain a report which was rigorous and candid. It would not be a sustainable principle to deem, on this basis, any report which may require its author to be critical as having been provided in confidence. This would mean that almost any report held by a public authority would be caught by section 41.
71. Furthermore, the requirements of the report were made clear to the author prior to them accepting to undertake the work. If they did not feel able to meet these requirements then it was open to them to decline to undertake the work. Consequently, the Commissioner does not accept that a commitment to treat the report as submitted in confidence was a prerequisite to its production.
72. Accordingly, the Commissioner does not accept the arguments advanced by the council that the report was provided in circumstances importing an obligation of confidence and finds that it has breached section 41(1) of the Act by withholding the report on those grounds. The report should be disclosed.

## Right of appeal

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73. 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)

74. 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.

75. 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 .....**

**Graham Smith  
Deputy Commissioner  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**



## Appendix

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On 27 March 2012, the complainants submitted a request for the following pieces of information:

- "1. List of all Stonemasons/Funeral Directors with whom consultation took place, in respect of the formation of new Cemetery regulations issued on 13 December 2011.*
- 2. Evidence of contact with BRAMM and NAMM, in respect of advice relating to the formation of new regulations.*
- 3. List of all persons, businesses or organisations to whom the new Cemetery regulations have been issued (both the 31 December 2011 and 6 March 2012 amended version).*
- 4. List of all Memorial Masons (or Funeral Directors) spoken to by the Committee/Clerk as stated in the WCJMC letter to [a named company] dated 5 January (paragraph 3).*
- 5. Details of evidence and/or name of the person/organisation who is the source of allegations printed and circulated in letters and documents from the WCJMC regarding the supposed disputes that [a named company] has with 'five other Cemetery Authorities'.*
- 6. List of the Cemetery Authorities with whom the Cemetery Committee and/or Clerk has spoken to in connection with the 'rumours' referred to in the Cemetery Committee letter dated 5 March (Addendum Additional Questions Page 12, Item 16).*
- 7. A copy of the 'letter received regarding the installation of memorials', which is referred to within the Minutes of the Cemetery Meeting of 27 November 2011, Item 11/148 correspondence.*
- 8. Details of the person/company responsible for the memorial 'testing' which took place within Wimborne Cemetery.*
- 9. Details of the gravedigger who provided evidence for the accusations of 'business cards being left on newly dug graves'.*
- 10. Details of the person responsible for the accusation regarding, 'touting for business'."*

On 28 March 2012, the complainants made a request for the following information:

- "1. A copy of the letter written to 'all masons', as notated in red, and referred to in the extract from the WCJMC minutes of meeting on Monday 27 November 2011 attached below.*
- 2. A list of Masons and any other persons or organisations to whom the same letter was sent."*

On 29 March 2012, the complainants then requested the following information:

- "1. Documentary and all other evidence of the action taken by the WCJMC, their agents, staff or associates to verify and prove the accuracy, authenticity and truth of accusations and defamatory rumours received by the WCJMC, made against [a named company], and referred to in correspondence issued by the WCJMC.*
- 2. The date on which proof of the accuracy, authenticity and truth of these allegations was confirmed and by what means."*

On the 29 March 2012, the complainant made a further request for:

- "1. A copy of the independent inspector's report and findings regarding the inspection of the representative sample of recent memorials as described in the WCJMC minutes of meeting attached below.*
- 2. The date on which the inspection was undertaken."*

On 4 May 2012, the complaints then made a request for:

- "1. A copy of any references made regarding our company."*