

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

### **Decision notice**

**Date:** 3 October 2013

**Public Authority:** Maritime & Coastguard Agency  
**Address:** Headquarters  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG

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

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1. The complainant has requested details of all email communications between particular email addresses, for the period 1st September 2011 to 27th June 2012 inclusive.
2. The Commissioner's decision is that the Maritime & Coastguard Agency (MCA) has provided the complainant with all of the information it holds relevant to the scope of the request.
3. The Commissioner requires no steps to be taken.

### **Request and response**

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4. On 16 January 2013, the complainant wrote to the MCA and requested information in the following terms:

"Please supply details of all email communications between the following addressees, for the period 1st September 2011 to 27th June 2012 inclusive.

Specifically, communications that have "Lough Neagh Rescue" "Kinnego", "Lough Neagh" or "LNR" in either the subject field or the main body of the message. Or any message that is in reply to a message containing any of the keywords.

I require any communication between these domains that contains any of the keywords listed above.

xxxxxxx.xxxxxx@xxxx.xxx.xx to xxxxxxx.xxxxxx@xxxx.xxx.xx

xxxxxxx.xxxxxx@xxxx.xxx.xx to xxxxxxx.xxxxxx@xxxx.xxx.xx

xxxxxxx.xxxxxx@xxxx.xxx.xx to xxxx.xxxxxx@xxxx.xxx.xx

xxxx.xxxxxx@xxxx.xxx.xx to xxxxxxx.xxxxxx@xxxx.xxx.xx

xxxx.xxxxxx@xxxx.xxx.xx to xxxxxxx.xxxxxx@xxxx.xxx.xx

xxxxxxx.xxxxxx@xxxx.xxx.xx to xxxx.xxxxxx@xxxx.xxx.xx

xxxx.xxxxxx@xxxx.xxx.xx to any domain address containing the keywords

xxxxxxx.xxxxxx@xxxx.xxx.xx to any domain address containing the keywords

xxxxxxx.xxxxxx@xxxx.xxx.xx to any domain address containing the keywords

In the bottom 3 instances the "any domain address" may be blacked out to preserve confidentiality.

The communications may be contained in the following locations,

Inbox  
Sent  
Deleted  
Junk  
Archive  
Draft"

5. The MCA responded and provided the complainant with the information he requested. On 25 January 2013 the complainant wrote to the MCA as he did not consider it had fully responded to his request as he believed that there was further information held.
6. On 25 March 2013 the MCA wrote to the complainant with its internal review decision. It confirmed that it had conducted thorough searches for the information he required and concluded that no further information was held.

7. The Information Commissioner notes that MCA is not a public authority in its own right but is an executive agency of the Department for Transport. Therefore, the public authority in this case is the Department for Transport. For the purposes of this decision notice MCA is referred to as if it were the public authority.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 2 April 2013 to complain about the way his request for information had been handled.
9. The Commissioner has considered whether any further information is held by the MCA which would fall within the scope of the request.

### **Reasons for decision**

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10. Section 1(1)(a) 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".
11. The MCA explained that searches were carried out of the email accounts referred to by the complainant using the Groupwise (the MCA's email system) "Find" facility. It confirmed that searches were also carried out for hard copies of relevant emails. It said that relevant information has been retrieved using the parameters stipulated by the complainant and provided to him.
12. It said that searches were carried out both locally and on the network and that the accounts of the named individuals were searched. It reiterated that the find facility in Groupwise was used using the criteria set by Mr Burke.
13. It said that it was not aware that any of the requested information had been deleted however it explained that if an email is deleted the record ceases to exist unless a paper copy has been retained. It again confirmed that manual records had also been searched.
14. It said that their policy is to discourage the use of email for storing data and this is enforced through mail box size restriction. If the email is considered to constitute a public record then it should be printed and stored on file and retention is then in line with National Archives guidance. It said that if the information constituted a public record then it should have been retained.

15. Based upon the MCA's submissions the Commissioner considers that it has demonstrated that it has conducted electronic searches using the criteria set out by the complainant in his request. It has also checked manually held records in case emails were printed off but deleted electronically. It has provided the complainant with the information which it did retrieve as a result of conducting these searches. It has confirmed that no further information is held. On the balance of probabilities the Commissioner considers that the MCA has provided the complainant with all of the information it holds relevant to the scope of the request.

## Right of appeal

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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](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)

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 .....**

**Pamela Clements**  
**Group Manager, Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**