

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 December 2022

Public Authority: London Borough of Waltham Forest
Address: Town Hall
Forest Road

London

E17 4JF

Decision (including any steps ordered)

1. The complainant requested a list of all councillors investigated for breach of the Councillors' Code of Conduct in the last five years. The above public authority ("the public authority") provided some of the requested information but stated they did not hold the remainder.
2. The Commissioner's decision is that on the balance of probabilities, London Borough of Waltham Forest does not hold the remainder of the requested information and complied with section 1(1) of the FOIA.
3. The Commissioner does not require further steps.

Request and response

4. On 26 August 2021, the complainant made the following request to the public authority:

"I would like a list of all the councillors investigated for breach of the Councillor's code of conduct in the last 5 years, name of councillor, date, what they were accused for , the out come and who was investigating."
5. The public authority provided information dating back to 2019 but stated they did not hold the remainder, a position they upheld at internal review.

Reasons for decision

6. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled, under subsection (a), to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
7. The Commissioner has sought to determine whether, on the balance of probabilities, the public authority holds the requested information.
8. From the information provided, the Commissioner can see that the public authority has explained in both the original response to the complainant and in the internal review, that it does not hold further information in scope of the request.
9. Additionally, on investigation, the public authority advised any information which falls within scope is held in a single email folder which was searched with multiple keywords to ensure all information was caught. The public authority also advised that although a systems update was performed in 2019, all data recorded on previous systems was migrated successfully.
10. They have also advised the retention period for councillor complaints is five years for upheld complaints and one year for not upheld complaints. Therefore there would be no statutory obligation for the public authority to retain this information.
11. The Commissioner accepts the public authority's reasoning for not holding older councillor complaints. He is satisfied that the public authority has carried out adequate searches for the requested information and therefore, his decision is that on the balance of probabilities, the public authority does not hold the requested information.

Right of appeal

12. 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: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. 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.
14. 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

Phillip Angell
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Wycliffe House
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SK9 5AF