

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 December 2022

Public Authority: London Borough of Enfield
Address: Civic Centre
Silver Street
Enfield
Middlesex
EN1 3XF

Decision (including any steps ordered)

1. The complainant has requested from the London Borough of Enfield (the Council) minutes from a meeting. The Council stated that it does not hold the requested information.
2. The Commissioner's decision is that, on the balance of probabilities, the Council is correct when it says that it does not hold the requested information.
3. The Commissioner does not require the Council to take any steps as a result of this notice.

Request and response

4. On 17 March 2022, the complainant wrote to the Council and requested information in the following terms:

"In the case of [redacted].

1. Minutes from the legal meeting referred to in the council email dated 29 January 2021.
2. Details and contact information of the person who initially instructed Solicitors Judge and Priestley to act on the council's behalf and email's concerned.

3. Details and contact information of the person who authorised Judge and Priestley solicitors to send my deceased father's protected personal information data to an unknown person/party at Five Oaks care home Cockfosters breaching GDPR laws. And email's concerned."
5. The Council responded on 7 April 2022. It stated that the information was held but that it was exempt from disclosure, citing section 42 (legal professional privilege) of FOIA as its basis for withholding the information.
6. The complainant asked the Council to conduct an internal review, on the basis that they were dissatisfied with the Council's reliance on section 42 to withhold the information at part one of the request.
7. Following an internal review the Council wrote to the complainant on 17 May 2022. It amended its position and stated that the minutes sought by part one of the request were in fact not held by the Council.

Reasons for decision

8. Section 1(1) of FOIA states that any person making a request for information 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 that information communicated to him.
9. During the Commissioner's investigation, the Council confirmed that the email dated 29 January 2021 referred to a meeting which was held on 27 January 2021, and that it was an informal internal meeting between officers in the Council's Financial Assessment Team to discuss cases that were to be considered for referral to the Council's solicitors Judge and Priestly. The Council explained that the meeting was not minuted as it was an informal catch up meeting between officers in the same team, and that it is common practice that local informal meetings are not minuted.
10. The Council searched for and located the meeting invite for the 27 January 2021, in order that they could consult with one of the officers who attended the meeting, who confirmed the nature of the meeting and the fact that it was not minuted.
11. The Commissioner is satisfied that the Council took appropriate and proportionate steps to determine if it holds any information within the scope of the request. He therefore finds that, on the balance of

probabilities, the Council is correct when it says that it holds no information within the scope of part one of the request.

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: 0203 936 8963

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

Catherine Fletcher
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF