

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 June 2023

Public Authority: Calderdale Council
Address: Town Hall
Crossley Street
Halifax
HX1 1UJ

Decision (including any steps ordered)

1. The complainant has requested information about potential highway changes. Calderdale Council ("the Council") stated that no information was held.
2. The Commissioner's decision is that no information is held by the Council.
3. The Commissioner does not require further steps.

Request and response

4. On 20 January 2023, the complainant wrote to the Council and requested information in the following terms:

"What is the difference in journey time saving between traffic lighting the junction of Station Road and the A58, compared to that of the proposed gyro. This comparison must have been made in order to make the choice."
5. The Council responded on 22 February 2023. It stated that the requested information was not held.

6. Following an internal review, the Council wrote to the complainant on 21 June 2023. It maintained that the information was not held, but provided an explanation of the wider circumstances.

Reasons for decision

7. 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.
8. In this case the Council has stated that it does not hold the requested information, as the 'comparison' (as referred to in the request) was not made.
9. There is no conflicting evidence available to the Commissioner that suggests the Council's position is incorrect. The Commissioner would not reasonably expect the Council to hold information if there is no reason or cause for it to do so.
10. Having considered all the circumstances, the Commissioner therefore accepts the Council's position that it does not hold the requested information. As such, the Commissioner has decided that the Council has complied with section 1(1) of FOIA.

Other matters

11. The Commissioner emphasises, for the benefit of the complainant, that the terms of FOIA only relate to recorded information. When a public authority receives a request, it is not required to create information (such as an explanation, view, or opinion) in order to provide a response under FOIA.
12. The Commissioner has published guidance for requesters under the FOIA. This guidance can be found at: <https://ico.org.uk/for-the-public/official-information/>

Right of appeal

13. 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

14. 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.
15. 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

Daniel Perry
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF