

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 January 2024

Public Authority: Bath and North East Somerset Council

Address: Lewis House
Manvers Street
Bath
BA1 1JG

Complainant: Cristina Dumitru

Address: cristina.dumitru@bath.edu

Decision (including any steps ordered)

1. The complainant requested information from Bath and North East Somerset Council ("the Council") relating to donations made to the Council by specific individuals and organisations.
2. The Commissioner's decision is that on the balance of probabilities, the Council does not hold any information within the scope of the request.
3. The Commissioner does not require the Council to take any steps.

Request and response

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

"I am writing to make a formal request under the provisions of the Freedom of Information Act 2000. I kindly request access to the following information held by Bath & North East Somerset Council and any associated bodies:

1. The donation amount and type (including but not limited to monetary contributions, gifts, grants, or any other form of financial support) and the corresponding dates for the donations, made by the following individuals and companies to Bath & North East Somerset Council and any associated bodies, from 1st of January 2013 to 20th of May 2023.
 - A. [Name redacted]
 - B. [Name redacted]
 - C. [Name redacted]
 - D. [Organisation name redacted]
 - E. [Organisation name redacted]

In order to ensure compliance with data protection laws and the privacy rights of individuals, I kindly request that you redact any personal details or sensitive information unrelated to the donations themselves, such as home addresses, contact numbers, or any other personally identifiable information. This request solely pertains to the sum, type and the dates on which donations were made by the aforementioned individuals and companies.

For the purposes of this request, please consider Bath & North East Somerset Council to be the local government body of the jurisdiction and associated entities including but not limited to Bath Festivals, Bath Mozartfest, Holburne Museum.

2. Details of any conditions, agreements, or restrictions attached to the donations, including any specific purposes for which the donations were intended or any requirements imposed by the donors. If applicable, information regarding any benefits or recognition provided to donors, such as naming rights, acknowledgments, or public acknowledgments of the donations received.

3. Any reports, minutes, or records of discussions related to the acceptance and management of donations, including any discussions or decisions made by the governing body or any committees responsible for overseeing donation matters.

For the purposes of this request, please consider Bath & North East Somerset Council to be the local government body of the jurisdiction and associated entities including but not limited to Bath Festivals, Bath Mozartfest, Holburne Museum.”

5. The Council denied holding information within the scope of the request.

Reasons for decision

6. This reasoning covers whether the Council is correct when it says that it does not hold any information within the scope of the request.

The complainant's position

7. The complainant considers the Council to hold information which falls within the scope of their request. In their internal review request, the complainant stated that the Council's annual statement refers to grant income received by the Council in the form of grants, contributions and donations, specifically income received from 'other' and 'third parties'. The complainant considers that this income may include donations made by the individuals and companies named in the request.
8. In their complaint to the Commissioner, the complainant stated that they consider the Council to hold information relating to the donation of an IronArt sculpture by one of the individuals named in the request to the Council. The complainant also considers the Council to hold information relating to donations made by [name redacted] to charities associated with the Council such as those listed in the request.

The Council's position

9. In its initial response to the request, the Council stated that it does not hold any information relating to donations made to Bath Festivals, Bath Mozartfest and the Holburne Museum by the individuals and organisations listed in the request as Bath Festivals, Bath Mozartfest and the Holburne Museum are external organisations.
10. In its submissions to the Commissioner, the Council explained that it has conducted a search of its Unit 4 Agresso financial management system for information which falls within the scope of the request as all income

received by the Council is recorded on this system. It explained that for invoiced income, the financial management system records the name and details of the individual or organisation that the Council has invoiced. It therefore conducted a search of invoiced income using the names of the individuals and organisations listed in the request, including variations of those names, as search terms. However, no information falling within the scope of the request was located.

11. The Council explained that for non-invoiced income, there is no requirement to record the name of the payer in its financial management system. Therefore, whilst the names of some payers of non-invoiced income is recorded, the names of every individual or organisation who has made a payment is not recorded. The Council stated that it has conducted a search of non-invoiced income again using the names of the individuals and organisations listed in the request, including variations of those names, as search terms. No information falling within the scope of the request was located.
12. With regards to the complainant's comments about the Council's annual statement, specifically the grant income categorised as being received by 'third parties', the Council explained that this relates to income received from organisations such as housing associations for the funding of approved Capital Projects only. The Council stated that grant income listed in its annual statement as being received from 'other' may include income received as a donation. It explained that any donations received by the Council would likely be categorised as 'other' in its financial management system as the system does not have a specific category for income received as donations. However, the Council considers that if any income categorised in its annual statement and financial management system as 'other' related to donations made by the individuals or organisations listed in the request, its searches of its financial management system would have located the information.
13. The Council explained that it also conducted a search of its register of gifts and hospitality using names of the individuals and organisations listed in the request as search terms. This register records gifts received by employees of the Council. The search did not locate any information falling within the scope of the request.
14. The Council also stated that it has conducted a search of its register of Councillor interests for information falling within the scope of the request. This search was conducted by manually reviewing the entries for each individual Councillor for the names listed in the request. The Council also searched previous records that are out of date or relate to former Councillors that are no longer published on the Council's website for information falling within the scope of the request. These searches did not locate any information falling within the scope of the request.

15. The Council also conducted a search for information relating to the IronArt Sculpture. This involved consulting its Property, Highways and Parks and Green Spaces Team. The Council did not locate any information falling within the scope of the request.

The Commissioner's position

16. Whilst the Commissioner acknowledges that the complainant considers the Council to hold information relating to an IronArt sculpture that falls within the scope of the request, he is satisfied that the Council has conducted reasonable searches for such information. Furthermore, the Commissioner accepts the Council's reasoning for not holding any information relating to donations made by the individuals and organisations listed in the request to Bath Festivals, Bath Mozartfest and the Holburne Museum.
17. The Commissioner is also satisfied that the Council has carried out adequate searches of its financial management system, gifts register and register of Councillor interests for information falling within the scope of the request. When conducting its searches, the Council used appropriate and relevant search terms.
18. Therefore, the Commissioner's decision is that on the balance of probabilities, the Council does not hold any information within the scope of the request.

Right of appeal

19. 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

20. 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.
21. 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