

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 September 2024

Public Authority: London Borough of Islington
Address: Islington Town Hall
Upper Street
N1 2UD

Decision (including any steps ordered)

1. The complainant submitted a request to the London Borough of Islington (the Council) seeking information about proposals for the Barnsbury and Laycock Liveable Neighbourhood plans. The Council confirmed that it held information falling within the scope of the request but refused to disclose this on the basis of regulation 12(4)(d) (material in the course of completion, unfinished documents and incomplete data) of the EIR. The Council subsequently withdrew its reliance on this exception and disclosed this information to the complainant and also further information located during the Commissioner's investigation. However, the complainant argued that the Council would hold additional information falling within the scope of his request.
2. The Commissioner's decision is that on the balance of probabilities the Council has now located all of the recorded information it holds falling within the scope of this request and has disclosed this to the complainant.
3. The Commissioner does not require further steps.

Request and response

4. The complainant submitted the following request to the Council on 26 September 2023:

"I'm making a freedom of information request with regards to the early engagement and initial proposals for the Barnsbury and Laycock Liveable Neighbourhood plans.

In particular, the plans state "Through listening to the ideas of local people, we want to develop a scheme that will... reduce traffic in the area to make local streets quieter, less polluted and safer to walk and cycle around". I'd like to understand the data and science behind the "through listening" piece.

I'm therefore requesting the following information:

[1] How many data points (i.e. comments) were collected in total?

[2] Can you provide each data point (i.e. comments) anonymised?

[3] Can you provide information on how many of those data points (i.e. comments) requested to "reduce traffic in the area to make local streets quieter, less polluted and safer to walk and cycle around"?

[4] Could you provide information on how many data points (i.e. comments) requested to not change existing traffic routes for vehicles?

[5] Could you tell me what scientific method was used to clean, categorise and accordingly prioritise the data point (i.e. comments)?

Further, I'd like to better understand how the council arrived at the conclusion around the following proposals "Proposal 3: Traffic filtering in the Barnsbury and Laycock Liveable Neighbourhood". Specifically, please provide data on:

[6] How many data points (i.e. comments) requested traffic filtering?

[7] How many data points (i.e. comments) requested no traffic filtering was added?

[8] Can you show the scientific method that was used to arrive at the conclusion that residents are requesting traffic filtering?"

5. The Council responded on 24 October 2023 and confirmed that it held information falling within the scope of the request but considered this to be exempt from disclosure on the basis of regulation 12(4)(d) (material in the course of completion, unfinished documents and incomplete data) of the EIR.
6. The complainant contacted the Council on the same day and asked it to conduct an internal review of this response.
7. The Council upheld this position in an internal review dated 22 November 2023.

8. During the course of the Commissioner's investigation the Council withdrew its reliance on regulation 12(4)(d) of the EIR and on 15 May 2024 it provided the complainant with a copy of the information which it had previously withheld under this exception. This information consisted of three documents:
 - a) A "comment log" spreadsheet recording residents suggestions from the first in person even held on 7 March 2023.
 - b) A "Phase 1 engagement email log" spreadsheet.
 - c) A Word document containing a "Summary of Q&A" session.
9. Furthermore, following engagement with the Commissioner, the Council made a further disclosure of information to the complainant on 19 August 2024 which consisted of:
 - d) An excel sheet containing analysis of the phase 1 responses.
 - e) A word document containing a methodology for analysing the responses.

Scope of the case

10. The complainant contacted initially the Commissioner on 23 November 2023 in order to complain about the Council's decision to withhold information on the basis regulation 12(4)(d). Following the disclosure of the information by the Council in May, the complainant explained that he remained dissatisfied with the Council's response to his request. He explained that this was on the basis that:
 - He had submitted specific questions asking for specific data points.
 - The Council had not responded to a single question or given a single specific answer.
 - Instead, it had sent him three documents. One of these documents did contain related data without explanation, but two are completely irrelevant.
11. Following the disclosure of further information in August 2024, the complainant confirmed that he remained dissatisfied with the Council's response to his request. He accepted that the information sought by part 5 had been provided. However, in respect of parts 1 and 3 he argued that these points had not been answered, albeit the answers were implied in the data given. In relation to parts 2, 4, 6, 7 and 8 he argued that the requested information had not been provided at all.
12. The focus of the Commissioner's investigation has been on determining to what extent the disclosed information falls within the scope of the request, and whether the Council holds any further information which

falls within the scope of this request which is disclosable under the EIR. The Commissioner's findings on both points are set out below.

Reasons for decision

The Commissioner's investigation

13. In view of the complainant's concerns as set out above following the May 2024 disclosure, the Commissioner contacted the Council and asked it a number of questions. The Commissioner's questions, and the Council's response to these, are set out below.

14. Question: Clarify how the Council understands the three pieces of information disclosed to the complainant in May 2024 relate to the eight numbered questions contained in the request.

Response: The data the Council provided lists all of comments made by each anonymised data set in relation to the Barnsbury and Laycock Liveable Neighbourhood proposed scheme. Thereby giving the complainant a total amount and all the comments as requested. The Council does not record these comments by category, however, all the data is provided and can be separated out by the requester, as required.

15. Question: For each of the eight numbered questions contained in the request, please confirm to the Commissioner whether the Council holds any recorded information (or indeed any further recorded information) falling within the scope of each question.

Response: As of 26 September 2023, ie the date of the request, all information the Council holds on the scheme has been provided to the complainant.

16. Question: If any further relevant information is held – which has not previously been disclosed - please provide the Commissioner with a copy of this indicating whether the Council is also content to disclose this to the complainant.

Response: the Council confirmed that all information relevant information had been provided to the complainant.

17. Question: If no information is held for a particular question, please outline the steps taken to locate such information, ie the nature of the searches taken, and provide any further submissions to explain why information of the specific nature sought by a particular question is not held.

Response: the Council explained that in its view the data provided

answered all of the questions set out by the complainant and that no further or additional information is held.

18. Having considered this response, the Commissioner contacted the Council again and explained that his understanding of its position was that:
 - In relation to part 1 of the request, ie the total number of data points collected, this information is essentially contained in the spreadsheets provided. That is to say, 353 'data points' in the first workshop, 112 in the second workshop, plus 434 comments captured in the email log.
 - In relation to part 2 of the request, the Council is satisfied that all of the anonymised comments collected are contained in the two spreadsheets, plus the comments captured in the summary of the Q&A session.
 - In relation to parts 3, 4, 6 and 7 of the request, the Council's position is that it did not record the comments in the categories described.
19. However, the Commissioner raised two queries with the Council:
20. Firstly, the Commissioner asked the Council to confirm whether it separately held any information which was relevant parts 3, 4, 6 and 7 of the request. That is to say, did the Council hold any analysis of the comments which contains or relates to the information sought by parts 3, 4, 6 and 7. The Commissioner explained that his assumption was that the comments must have been analysed and considered and that there is the possibility such analysis could fall within the scope of some of these parts of the request.
21. Secondly, in terms of parts 5 and 8 of the request, the Commissioner noted that these specifically sought information about scientific methods used to analyse the data. The Commissioner asked the Council to clarify whether it held any recorded information about the methods and processes used to analyse the data, and if held, to provide him with a copy of this. If no such information is held, the Commissioner asked the Council to explain how it determined or approached the analysis of this data. In other words, the Commissioner asked the Council to explain why there is no business need to specifically record these methods.
22. In response, the Council explained that having liaised with the service area in question it had identified two documents. The first an excel sheet containing analysis of the phase 1 responses and the second a word document containing a methodology for analysing the responses.
23. The Commissioner explained to the Council this in his view both documents fell within the scope of the request.

24. Following a further exchange of correspondence between the Commissioner and the Council, the Council disclosed these two documents to the complainant on 19 August 2024.

The Commissioner's findings

25. Under the EIR, in scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
26. In other words, in order to determine such complaints the Commissioner must decide whether on the balance of probabilities a public authority has located all of the information it holds which falls within the scope of the request (or was held at the time of the request).
27. The Commissioner appreciates that at the point of the Council's disclosure of information on 15 May 2024, the complainant was not satisfied that the information provided was relevant to his request and, by implication, that the Council was likely to hold further information. He also appreciates that following the disclosure of the information in August 2024, the complainant remains dissatisfied with the Council's responses to the majority of his request.
28. However, the Commissioner is satisfied, on the balance of probabilities, that the Council has now located all of the recorded information it holds falling within the scope of this request.
29. Taking the questions of the request in turn, in relation to part 1 of the request, ie the total number of data points collected, the Commissioner accepts that this information is essentially contained in the spreadsheets provided in May 2024. That is to say, and as noted above, 353 'data points' in the first workshop, 112 in the second workshop, plus 434 comments captured in the email log.
30. In relation to part 2 of the request, the Commissioner is also satisfied that all of the comments collected as part of the phase 1 consultation are set out in the three documents provided to the complainant in May 2024. For the avoidance of doubt, the Commissioner understands that these documents contain the 'raw data' collected as part of the consultation exercise. He considers that this is evident from the email log as it clearly contains the actual text of all emails the Council received via that part of the consultation. The Commissioner acknowledges that the documents disclosed in respect of the in-person workshops and online public meeting summarise contributions rather than provide verbatim comments made during these events. But he considers this to be unsurprising given the nature of the events and that in terms of the

Council's record of them it is to be expected that the comments made would be captured in the manner in which they were.

31. In relation to relation to parts 3, 4, 6 and 7 of the request the Commissioner accepts that information contained in the three documents disclosed to the complainant in May 2024 do not categorise the comments in the manner envisaged by these parts of the request. However, in the Commissioner's view the excel sheet containing analysis of the phase 1 responses located during the course of his investigation, and disclosed to the complainant on 15 August 2024, falls within these parts of the request. Whilst this does not necessarily contain a specific answer to each and all of the questions posed at parts 3, 4, 6 and 7 of the request, the spreadsheet is clearly relevant to these aspects of the request.
32. Finally, in relation to part 5 of the request, as noted above, the complainant accepts that the word document disclosed to him in August containing a methodology for analysing the responses fulfils this part of the request. The Commissioner considers that to the extent that the Council would be expected to hold information on the 'scientific method' in relation to part of 8 of the request this document is arguably also relevant as it relates to how the response were analysed. However, the Commissioner does not consider is likely that that the Council would hold further recorded information of the specific nature sought by part 8 beyond this.
33. In view of the additional searches for information which the Council has conducted with the business service area in question during the course of his investigation, and given the nature of the additional information located, and for the reasons set out above, the Commissioner is satisfied that on the balance of probabilities the Council has now located, and disclosed, all of the recorded information it holds falling within the scope of this request.

Right of appeal

34. 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

35. 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.
36. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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