

21 December 2023

Case Reference IC-273513-D0J2

Request

You told us that the clerk to Shiptonthorpe Parish Council refused to comply with multiple FOI requests, deleted documents they claimed did not exist and recorded meetings without authorisation.

In relation to this you asked:

Therefore may I request copies of all documents in relation to this matter

We received your request on 29 November 2023.

Your request has been handled under the Freedom of Information Act 2000 (the FOIA).

Our response

We do hold information within the scope of your request.

Please find attached a PDF file containing the information you have requested.

You will see that we have withheld internal email addresses under section 31(1)(g) of the FOIA.

We can rely on section 31(1)(g) of the FOIA where disclosure:

"would, or would be likely to, prejudice – ... the exercise by any public authority of its functions for any of the purposes specified in subsection (2)."

In this case the relevant purposes contained in subsection 31(2) are 31(2)(a) and 31(2)(c) which state:

"(a) the purpose of ascertaining whether any person has failed to comply with the law" and
"(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise ..."

The internal email addresses are not currently open to the public. The use of the email addresses is such that, if disclosed and then used by members of the public, the time and resources spent in redirecting communications, or even in countering malicious communications or access, would likely prejudice our ability to perform our regulatory function.

Disclosure would leave us vulnerable to phishing or other cyber-attacks, spam, or an increased volume of irrelevant correspondence which it would take us time to process.

There are other channels that the public can use to contact us, and they are publicly available via [our website](#).

The exemption at section 31(1)(g) is not absolute. When considering whether to apply it in response to a request for information, there is a 'public interest test'. We have to consider whether the public interest favours withholding or disclosing the information.

In this case the public interest factor in favour of disclosing the information is:

- The public interest in a general emphasis on transparency in the way in which the ICO conducts its operations.

The public interest factors in maintaining the exemption are as follows:

- To protect the integrity of the ICO's information security and processes.
- The public interest relating to transparency is met by the provision of several other and more appropriate means of contacting the ICO. The referral process for external referrals to the ICO is clear and publicly available. It is simply not necessary for the public to have access to our internal procedures and communications.
- Internal email addresses being used inappropriately will reduce the effectiveness and efficiency of our regulatory functions.
- The information of primary relevance to your request is not affected by the redaction of our internal email addresses.

Having considered all of these factors we have taken the decision that the public interest in withholding the information outweighs the public interest in disclosing it.

Save for the redactions of internal email addresses, no other information has been withheld from this response. The attached therefore constitutes all the information that we hold and which falls within the scope of your request.

This concludes our response to your information request.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full review procedure [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint through our website](#).

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely