

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 30 March 2023

**Public Authority:** The Royal Borough of Greenwich  
**Address:** The Woolwich Centre  
35 Wellington Street  
Woolwich  
SE18 6HQ

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the Royal Borough of Greenwich ("the Council") relating to an injunction which the Council had taken out against them. The Council disclosed some information and stated it did not hold anything further.
2. The Commissioner's decision is that on the balance of probabilities, the Council does not hold further information within the scope of the request.
3. The Commissioner does not require the Council to take any steps.

#### **Request and response**

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4. The complainant made the following information request to the Council on 20 July 2022:  
  
"Under the Freedom of Information request I require the following information regarding the injunction.  
  
1. The individuals names and what tasks they performed.

2. A breakdown of each individual task and the time spent on each individual task.
3. A costing of each individual task.
4. The date each individual task was performed.

Due to the previous sums indicated all this information would have to be recorded as this is public money.”

5. The Council responded on 17 August 2022 and provided the complainant with the names of five Council staff members who it stated were involved with the injunction. It also provided the complainant with a breakdown of the tasks carried out by two of those Council staff members including the time spent on tasks and the date tasks were performed.
6. However, the Council refused to provide information relating to the tasks carried out by the other three Council staff members citing section 14(1) (vexatious request) of the FOIA as its basis for doing so. The Council did not provide the complainant with information relating to the costs associated with tasks.
7. On 1 September 2022, the complainant requested an internal review. The Council provided the complainant with the outcome of its internal review on 30 September 2022 in which it maintained its reliance on section 14(1) of the FOIA to refuse to provide some information within the scope of the request.
8. On 20 February 2023, the Council provided the complainant with a further response to the request. The Council withdrew its reliance on section 14(1) of the FOIA to refuse to provide information relating to the tasks carried out by three Council staff members. It informed the complainant that the three Council staff members were not involved in the injunction and therefore, no information is held relating to tasks carried out by them.

## **Reasons for decision**

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9. This reasoning covers whether the Council holds further information within the scope of the request.
10. The complainant considers the Council to hold further information within the scope of the request. In their complaint to the Commissioner, the complainant stated that to date, the Council has not provided them with the information they requested.

11. The Council's position is that it has disclosed all the information it holds within the scope of the request. In its submissions to the Commissioner, the Council stated that it has provided the complainant with the names of two staff members who worked on the injunction. It explained that whilst it initially stated that three other staff members had also worked on the injunction, it has now established that those staff members did not work on the injunction.
12. The Council explained that it consulted one of the three staff members who it initially thought worked on the injunction. That individual confirmed that whilst they and two other employees have been involved with the complainant, that involvement related to planning matters and not the injunction. As the three employees were not involved with the injunction, they have not completed any tasks relating to it and therefore, no information within the scope of the request relating to the three employees is held by the Council.
13. In its submissions to the Commissioner, the Council explained the searches it has undertaken for information relating to tasks carried out by the two staff members who were involved with the injunction. The Council explained that it has conducted a search of its IKEN software which is used by the Council's legal team to record each task carried out by staff members within the team. This search identified the tasks carried out by the two staff members relating to the injunction, the date the tasks were completed, and the length of time spent on each task. The Council explained that this information was disclosed to the complainant in its initial response to the request.
14. The Council stated that it does not hold information relating to the cost of completing tasks relating to the injunction as the IKEN software does not record the cost of completing a task.
15. The Commissioner accepts the Council's reasoning for not holding information relating to tasks carried out by the three staff members initially thought to have been involved with the injunction. He is satisfied that the Council has carried out adequate searches for information relating to the other two staff members from the legal team who were involved with the injunction.
16. Whilst the Commissioner considers that the Council may hold the necessary information to calculate the cost of each task completed as part of the injunction in terms of staff time, although even this may be complicated by factors such as time spent collaborating with colleagues who were not as directly involved in these tasks, he is aware that there will be other costs associated with completing tasks such as the cost of electricity or printing costs which cannot easily be calculated. He

therefore, accepts the Council's explanation for not holding information relating to the cost of completing tasks.

17. Therefore, his decision is that on the balance of probabilities, the Council does not hold further information within the scope of the request.

## Right of appeal

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18. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

19. 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.
20. 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 .....**

**Ben Tomes**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**