

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 August 2023

Public Authority: London Borough of Bexley
Address: 2 Watling Street
Bexleyheath
DA6 7AT

Decision (including any steps ordered)

1. The complainant requested information from London Borough of Bexley (the Council) relating to the traffic management order for a specified road and area. The Council disclosed the recorded information it holds as well as schedules which relate to the specified area.
2. The Commissioner's decision is that on the balance of probabilities the Council has disclosed all the recorded information it holds within scope of the request and has therefore met its obligations under FOIA.
3. The Commissioner does not require any steps to be taken as a result of this decision.

Request and response

4. On, 2 May 2023, the complainant requested the following information from the Council:

“I would like to request a copy of the traffic management order for the waiting restrictions on Mill Road, Erith. Please could this be provided in PDF format, with searchable / selectable text, and inclusive of all schedules.”
5. The Council responded on 5 June 2023 and disclosed part of the document requested in relation to waiting restrictions and included the schedules to the proposals as well as schedules that relate to the specified road and area.
6. After a short email exchange, the complainant requested an internal review on 14 June 2023.
7. The Council carried out an internal review and notified the complainant of its findings on 5 July 2023. It advised that the information requested had been provided in that the information is part of a wider Traffic Management Order document and it had disclosed the relevant file in scope of the request, including the schedules, and that any remaining pages from the file do not relate to the area specified in the request.

Reasons for decision

8. The Commissioner considers the scope of the request is limited in the manner in which it was phrased and there is no requirement for the Council to disclose any further/additional information.
9. The Council has provided a response, as the specific wording and manner in which it was written dictates. There is no requirement to go above and beyond that in terms of the requirements of FOIA, so the Commissioner is satisfied that, for this request, the Council has disclosed the recorded information it holds and met its obligations under FOIA.
10. The Council confirmed that it has also included all schedules that relate to the specified area. It confirmed that it does not hold any further recorded information falling within the scope of the request.
11. The complainant has disputed the extent of information supplied and has requested that the Council supplies the complete 239-page document so that they can take from that what information they need.

They believe there is additional information held in relation to the specified area.

12. The Commissioner is limited to the wording of the request and what recorded information (if held) would fall within a reasonable and objective reading of the request. The complainant has not made a request for all the restrictions within the given document, they had specified a particular area. He cannot therefore compel the Council to provide this information.
13. The Commissioner is satisfied that the Council has interpreted the request correctly and established what recorded information it holds falling within the specific wording used. Where it holds information, it has supplied this to the complainant.
14. On the balance of probabilities, the Commissioner is satisfied that no further recorded information is held, which would fall within the scope of the request.

Right of appeal

15. 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

16. 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.
17. 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

Deirdre Collins
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
Cheshire
SK9 5AF