

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 12 March 2024

**Public Authority:** London Borough of Hackney  
**Address:** Town Hall  
Mare Street  
London  
E8 1EA

#### Decision (including any steps ordered)

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1. The complainant has requested information from London Borough of Hackney ('the Council'), relating to an innovation application and a third-party demonstration.
2. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold any information within the scope of question 2.
3. The Commissioner does not require further steps.

#### Background

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4. The complainant made a request on 9 May 2023. This request was the subject of Decision Notice IC-246634-Q0P3.<sup>1</sup> In that decision notice, the Commissioner was not satisfied that the Council had complied with its duty under section 1(1) of FOIA in respect of part of the request. He therefore ordered the Council to issue a fresh response to question 2, following further searches. It is that fresh response which is the subject of this decision.

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<sup>1</sup> [ic-246634-q0p3.pdf \(ico.org.uk\)](https://ico.org.uk/decision-notice/246634-q0p3)

## Request and response

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5. The part of the original request that is the subject of this decision notice is as follows:
  - "2) Can you please provide a copy of the supporting documents and applications submitted by the LBH to the relevant recipient, to successfully lead the 'project' named 'Public Market Challenge'."
6. As ordered by the Commissioner's previous decision, the Council wrote to the complainant on 16 January 2024. It explained that it did not hold the requested information.

## Scope of the case

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7. The complainant contacted the Commissioner on 23 January 2024 to complain about the way their request for information had been handled.
8. The Commissioner considers that the scope of his investigation is to determine, on the balance of probabilities, whether any further information within the scope of question 2 is held.

## Reasons for decision

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### Section 1 – information held

9. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to them.
10. Where there is some dispute between the amount of information identified 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 First-tier Tribunal decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).

### **The complainant's position**

11. The complainant's reasons for believing that further information is held were set out in decision notice IC-246634-Q0P3.

### **The Council's position**

12. The Council explained to the Commissioner that following the issuing of his decision, it undertook a fresh search for information within the scope of question 2, but did not locate any information.
13. The Council explained that it used the following search terms to identify any information within the scope of question 2: "Public Market Challenge", "Lead Partner", "Consortium", "Workshops", "Resilience Partner", "Resilience Fund", "Resilience", "Funding Application", "Funding", "Greater London Authority", "GLA", "App" and "Mayor".
14. Despite these searches, the Council confirmed that no information was located and it had therefore determined the requested information was not held.
15. The Council explained to the Commissioner that it had "erred" in any suggestion that it had led a consortium. It did not lead a consortium and no application was received by or facilitated by the Council. This responsibility sat with another organisation.

### **The Commissioner's Decision**

16. Although the Commissioner notes that the Council's explanations remain vague, he also notes that the Council has since conducted a further search using appropriate keywords to locate any information.
17. The Commissioner recognises that if any information was held by the Council within the scope of question 2, the keywords it used during searches would have located the requested information, if it were held – regardless of any other circumstances.
18. The Commissioner has determined that it is more likely than not that the Council does not hold information within the scope of the request.

## Right of appeal

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

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

**Roger Cawthorne**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**