

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

### **Decision notice**

**Date:** 22 March 2024

**Public Authority:** Bristol City Council  
**Address:** The Council House  
College Green  
Bristol  
BS1 5TR

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

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1. The complainant requested information held by Bristol City Council (the Council) relating to websites it operates.
2. The Commissioner's decision is that, on the civil standard of the balance of probabilities, the Council has provided all the information it holds falling within the scope of the request and that it has complied with its obligations under section 1(1) of FOIA.
3. However, in failing to respond to the request within 20 working days, the Commissioner has found a breach of section 10(1) of FOIA.
4. The Commissioner does not require the Council to take any steps as a result of this decision notice.

#### **Request and response**

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5. On 1 April 2023, the complainant wrote to the Council and requested the following information:
  - "Please provide me with information on the many websites operated by Bristol City Council, or on behalf of Bristol City Council. For each website, please advise:
    - a. The URL of the website

- b. A brief description of the service, project etc that the website is used for
  - c. The relevant BCC department or Directorate that is responsible for the website content
  - d. If the website is operated by BCC on behalf of a different organisation, please advise the name of the legal identity of the other organisation and the start date for BCC operating the website."
6. The Council responded on 24 May 2023, providing information on a single website operated by the Council.
7. Following an internal review, the Council wrote to the complainant on 29 August 2023, providing information about further websites operated by the Council.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 3 October 2023, to complain about the way his request for information had been handled.
9. The complainant stated that, in their opinion, the council had not provided a complete list of all the websites operated by the Council. This is because they are aware of some which they believe are operated by the Council but which do not appear in the information provided. The complainant provided a list of these websites in his internal review request.
10. The scope of the case is to decide whether, on the balance of probabilities, the Council holds further information falling within the scope of the request.

### **Reasons for decision**

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11. Section 1(1) of FOIA states that: "Any person making a request for information to a public authority is entitled (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and (b) if that is the case, to have that information communicated to him."

12. 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 ICO, following the lead of a number of First-tier Tribunal (Information Rights) decisions, applies the civil standard of the balance of probabilities.
13. In other words, in order to determine such complaints, the ICO must decide whether on the balance of probabilities a public authority holds any - or additional - information which falls within the scope of the request (or was held at the time of the request).

### **The position of the Council**

14. In response to the request, the Council provided a list of websites it operated including, where available, information falling under sections b, c, and d of the request.
15. The Council confirmed that it had not been possible to provide all the information requested in relation to each website operated by the Council.
16. This is because, while the Council considers that it was most likely that information falling within the scope of the request would be held in one of three central locations, it confirmed that it is not mandatory that websites operated by different areas of the Council were logged in one or more of these locations. The locations the Council consider most likely to hold the information are:
  - Information and Communication Technology (ICT), who would be likely to administer technical aspects of sites operated by the Council;
  - The Website team, who would be likely to administer the content of sites operated by the Council; and
  - The Design team, who would be likely to administer design elements of sites operated by the Council.
17. The Council considers that its search of these three locations, constitutes a reasonable and proportionate search of all areas likely to hold the requested information, as per section 1.12 of the [FOIA Code of Practice](#), which says that:

“Public authorities should concentrate their efforts on areas most likely to hold the requested information. If a reasonable search in the areas most likely to hold the requested information does not reveal the information sought, the public authority may consider that on the balance of probabilities the information is not held.”

18. In regard to the list of websites provided by the complainant as part of their internal review request, the Commissioner asked the Council for further information about these.
19. The Council confirmed that, of the 11 websites on the list provided by the complainant:
  - Two are operated by the Council and appear on the list provided to the complainant at internal review;
  - Seven are owned by the Council but it does not operate the websites; and
  - Two are not owned or operated by the Council.
20. The Council therefore is of the opinion that the information provided at internal review, represents all the information held by the Council falling within the scope of the request.

### **Commissioner's decision**

21. The Commissioner notes that it is not mandatory that websites operated by the Council are logged in one or more of the three locations mentioned at paragraph 16. However, the Commissioner considers that it would not be reasonable for the Council to search any and all other locations on only the possibility that information may be held elsewhere.
22. Regarding the list of websites provided by the complainant, nine of these are not operated by the Council and therefore do not fall under the scope of the request.
23. Given this, the Commissioner finds that, on the balance of probabilities, the complainant has received everything the council holds that falls within the scope of his request and that it has complied with its obligations under section 1(1) of FOIA.

### **Procedural matters**

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24. Section 10(1) of FOIA obliges a public authority to comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
25. In this case the request was made on 1 April 2023, and the Council sent its response on 24 May 2023, outside of the 20 working days allowed.
26. As the Council failed to respond to the request within 20 working days, the Commissioner finds that it has breached section 10(1) of FOIA.

## Right of appeal

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27. 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)

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

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