

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 September 2024

Public Authority: London Borough of Tower Hamlets

Address: Town Hall
Mulberry Place
5 Clove Crescent
London
E14 2BG

Decision (including any steps ordered)

1. The complainant requested information relating to the creation of a statement issued to the press. London Borough of Tower Hamlets (the Council) provided some information and confirmed that no further information was held.
2. It is the Commissioner's decision that, on the balance of probabilities, the council does not hold any further information relevant to the request in addition to that which has already been provided to the complainant.
3. However, in not responding to the request within the statutory time limit, the Council breached section 10(1) of FOIA.
4. The Commissioner does not require further steps.

Request and response

5. On 15 January 2024, the complainant wrote to the Council requesting information in the following terms:

"I would like to request copies of all correspondence with the Tower Hamlets communications team and other people working in the council

relating to the preparation of the statement issued to the Daily Telegraph for their article published on 07 January.

This should include emails, and copies of logs on any press office or other contact systems as well as teams or other instant messaging platform messages.

Please also send emails relating to the internal analysis following publication.”

6. The Council responded on 13 March 2024 providing some information relating to the request.
7. Following an internal review the Council stated that it had provided all the information it held falling within the scope of the request.

Scope of the request

8. The complainant contacted the Commissioner on 11 April 2024, complaining that they had not been provided with all the information falling within the scope of their request.
9. The Council explained that the statement cited by the Daily Telegraph on 7 January 2024, was a pre-prepared statement. It went on to state that the creation of this statement followed a number of complaints and queries to them regarding the conflict between Gaza and Israel. It decided therefore, to produce a premade statement for use in response to such complaints and queries.
10. The complainant's case was that information relating to the original production of this statement would fall within the scope of their request, but that this information had not been supplied to them.
11. During the investigation of this case the Council accepted that the scope of the request did cover recorded information relating to the original production of the statement. It carried out a search for this information and stated that it did not hold any such information.
12. The following analysis covers whether the Council has disclosed all the information it holds within the scope of the complainant's information request, including whether it is correct in stating that it does not hold any information relating to the original production of the statement, and whether it holds any information within the scope of the part of the request for 'internal analysis'.

Reasons for decision

Section 1(1) – information not held

13. This decision notice concerns section 1(1) of FOIA. Details of this section of FOIA and how it is applied in a decision notice can be found in the Commissioner's [decision notice support materials](#).
14. In the course of his investigation the Commissioner asked the Council to provide details of the searches it had carried out to ensure that all information within the scope of the request had been identified.
15. The Council stated that "As a matter of course the Communications Service makes reactive lines if we think there will be media interest in issues."
16. Therefore, because the request was for council staff communications relating to the preparation of the statement, the relevant team which may hold any information would have been its Communications Service.
17. The Council confirmed that it had asked the Communications Service to carry out searches for any recorded information relating to the original decision to create the statement.
18. In this case, given the number of complaints and queries it received relating to the conflict between Gaza and Israel, the Communications Service confirmed that it had decided to produce a premade statement for use in responding to such complaints and queries.
19. The Communications Service confirmed that it held no recorded information relating to the creation of the statement. This was because such statements can be crafted over the telephone or in meetings, and this is what had happened in this case.
20. Given the information provided by the Council, the Commissioner considers that the searches undertaken by the Council to locate the requested information were proportionate, reasonable and would have been likely to return any relevant information were it held.
21. Therefore, on the civil standard of the balance of probabilities, it is the Commissioner's view that the Council does not hold any further information falling within the scope of this part of the request.
22. In relation to the second part of the request – for information relating to internal analysis - the Council, in its submissions to the Commissioner, confirmed that it did not carry out any searches for any internal analysis. This is because it knew that no internal analysis had been carried out following the use of the statement by the Telegraph.

23. Given this explanation from the Council, it is the Commissioner's view that, on the civil standard of the balance of probabilities, the Council does not hold any information falling within the scope of this part of the request.
24. Therefore, the Commissioner's decision is that on the balance of probabilities, the Council has disclosed all the information it holds that falls within the scope of the complainant's information request.

Right of appeal

25. 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

26. 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.
27. 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
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Wycliffe House
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Wilmslow
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