

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 September 2024

Public Authority: Burton in Lonsdale Parish Council
Address: Village Hall
High Street
Burton in Lonsdale
LA6 3JU

Decision (including any steps ordered)

1. The complainant requested information from Burton in Lonsdale Parish Council (the Council) which related to a particular piece of land within the parish.
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. The Commissioner does not require further steps.

Request and response

4. On 11 November 2023, the complainant wrote to the Council and requested information in the following terms:

"In the first instance, please provide disclosure of the documentation in the Council's custody or control relating to [name of property redacted], including the land subject to Titles NYK407710 and NYK73336.

We do not require disclosure of documents originating prior to 1st January 2013, but all subsequent documentation should be included. Please include all emails and correspondence passing between Officers of the Council as well as third parties. Such does of course include emails using the bilparishcouncil@btinternet.com address.

The documentation will include documentary evidence of the decisions to which you have recently referred (as in your email of 27th October). Such will either be minutes of Councillors discussions or exchanges of email.

Please disclose your notes of oral discussions.”

5. The Council responded on 24 November 2023, citing section 12 (cost limits) of FOIA to refuse the request. It stated that, in addition to the electronic documents found, the Council holds three filing cabinets of documents, some of which may fall within the scope of the request.
6. Following further correspondence, the complainant confirmed that they were not concerned about documents held in filing cabinets, only electronic documents. They later narrowed the scope of their request further. This refined request, dated 8 January 2024, asked for:

“Please would you provide copies of the documents, from 2013 and 2020. We are very happy to accept the copies by electronic means (to USB flash drive) , which would take on my calculation, 30 seconds for each document that you have already identified by electronic search.”
7. The Council provided its response to this new request by hard copy on 1 February 2024.
8. Following an internal review, the Council stated that it had provided all the information it holds falling within the scope of the refined request of 8 January 2024.

Scope of the case

9. The complainant contacted the Commissioner on 1 May 2024, complaining that not all the information held by the Council has been provided in response to the request of 8 January 2024.
10. The complainant confirmed that, although they were unhappy with the application of section 12 of FOIA to the request of 11 November 2023, their substantive complaint to the Commissioner was in relation to the Councils response to the request of 8 January 2024.
11. The Commissioner considers that the scope of his investigation is to determine if, on the balance of probabilities, the Council holds further information falling within the scope of the request dated 8 January 2024.

Reasons for decision

Section 1 – information not held

12. This decision notice concerns section 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](#).
13. In the course of his investigation the Commissioner asked the Council to provide details of the searches it had carried out in order to ensure that all information falling within the scope of the request had been identified.
14. The Council has confirmed that, in order to locate information falling within the scope of the request, it carried out a search of emails and computer files using the following search terms; the name of the property, two land title references shown in the request, and the surname of the complainant.
15. The Council originally stated that the number of records falling within the scope of the request were, 38 for 2013, and 85 for 2020. Following receipt of the documents by the complainant, they contacted the Council to complain that these numbers did not match the numbers of documents actually received. The numbers received were 28 for 2013 and 25 for 2020.
16. The Council explained that, on preparing the documents for delivery to the complainant, it found that there were a number of duplicates. It stated that it believed the discrepancy in numbers was due to the fact that a former clerk of the Council had a habit of backing up documents in multiple places. It also confirmed that emails were often saved multiple times.
17. The complainant has stated that they feel the Council holds further information falling within the scope of the request.
18. This is because the complainant has copies of two particular documents which were not provided by the Council, but which would fall within the scope of the request.
19. These are a 'statement of truth' dated 4 November 2020, and an email dated 23 July 2020, both of which originate from the same person and both mention the property named in the original request.

20. Within their submissions to the Commissioner, the Council has confirmed that further searches were carried out by the Clerk of the Council at the time of the internal review request. However, between that time and the date of the Council's submissions to the Commissioner, the Clerk had resigned from their post. This means that the Council is unable to clarify what further searches were carried out.
21. However, the Council has been able to confirm that the original search terms used were "[house name redacted]", "NYK407710", "NYK73336" and "[name redacted]". It was also able to confirm that the searches for electronic files included emails and document files.
22. While the Council were unable to find electronic copies of the two documents held by the complainant, they did confirm that no further information falling within the scope of the request was found.
23. Given that the request was restricted to electronic files, and the search terms used appear within the original request, it is reasonable to suppose that any electronic searches using these terms would have located any further information falling within the scope of the request were it held by the Council.
24. It is the Commissioner's view that, on the civil standard of the balance of probabilities, the Council does not hold any further information falling within the scope of the request.
25. This is because 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 further relevant information were it held.
26. On this basis, the Commissioner is satisfied that the council does not hold any further information falling within the scope of the request.

Right of appeal

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

Website: 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.

Jane Smith
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF