

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 October 2024

Public Authority: Wiltshire Council

Address: County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Decision (including any steps ordered)

1. The complainant has requested information from Wiltshire Council (the Council) regarding the exam board that awarded the National Diploma (BTEC or HND) in Foundation studies in Art and Design in June 1998.
2. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold any information within scope of the request.
3. The Commissioner does not require the Council to take any steps as a result of this decision.

Request and response

4. On 13 May 2024, the complainant wrote in the following terms:

"I am writing to you again further to being awarded a National Diploma (BTEC or HND) in Foundation studies in Art and Design in June 1998 at Trowbridge College (now Wiltshire College and University Centre), Wiltshire, BA14 0ER.

I am now writing to you again to request that you search all of your archives and databases for any information regarding the exam board that awarded the National Diploma (BTEC or HND) in Foundation studies in Art and Design in June 1998 or confirm which board may have taken over the responsibility for the awards so I may request a replacement."

5. The Council responded on 13 May 2024 and stated:

"Unfortunately, if the Education department have confirmed that they do not hold the records for this time, then the Council will not hold them. They would not be held or monitored by any other department within the Council, if they were held to begin with."

6. The complainant requested an internal review on 22 May 2024 setting out their reasons and arguments as they believed the Council should hold the documentation.
7. The Council responded on 19 June 2024 and further explained the reasons why it did not hold the information requested.

Reasons for decision

8. This reasoning covers whether the Council is correct when it says that it does not hold information within the scope of the request.

The complainant's position

9. The complainant considers the Council to hold information within the scope of their request. They said that:

"I am now writing to you again to request that you search all of your archives and databases for any information regarding the exam board that awarded the National Diploma (BTEC or HND) in Foundation studies in Art and Design in June 1998 or confirm which board may

have taken over the responsibility for the awards so I may request a replacement.”

The Council's position

10. In its internal review the Council maintained its position that it does not hold any of the documentation requested. It explained to the Commissioner that: “At the time of the award of the diploma Wiltshire council did not exist; Wiltshire council was formed in April 2009 by the amalgamation of five district councils. One of those district councils was West Wiltshire District Council (WWDC), its functions covered the town of Trowbridge which would have included Trowbridge college in its boundaries.”
11. The Council further explained that: “Wiltshire council can find nothing to suggest that WWDC were involved in the award of diploma(s) by the college, or the selection of which body would award any such diploma(s). This is also not a function that Wiltshire council are involved with at the present time.”

The Commissioner's position

12. The Commissioner notes that the complainant considers the Council should hold information within the scope of the request as they believe the information is relevant to the Council's work and functions.
13. However, the Commissioner is satisfied that the Council has provided adequate explanation for why it does not hold information in scope of the request. It has carried out reasonable enquiries with the relevant departments to locate and confirm if any information was held within scope of the request. It advised the Commissioner that a complete search of the paper and digital catalogue was conducted, and the only group of records held for 1998 are college newsletters, ref. F8/790/12/1. No mention of examination boards was found, and a search of the files produced no information relating to examination boards either.
14. The Commissioner is not required to prove beyond doubt that the Council do or do not hold information but can only decide based on the civil standard of the “balance of probabilities” that information within the scope of the request is more likely held than not
15. The Commissioner's decision is that on the balance of probabilities, particularly given the passage of time, the Council does not hold any information within scope of the request.

Right of appeal

16. 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

17. 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.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Joanna Marshall
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