

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

### **Decision notice**

**Date:** 20 November 2024

**Public Authority:** Tees Valley Combined Authority  
**Address:** Teesside Airport Business Suite  
Teesside International Airport  
Darlington  
DL2 1NJ

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

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1. The complainant has requested information from Tees Valley Combined Authority (TVCA) relating to meetings the Mayor attended in London during specific time periods. TVCA advised that it has provided all the information it holds.
2. The Commissioner's decision is that, on the balance of probabilities, TVCA does not hold any additional information within the scope of the request.
3. The Commissioner does not require further steps.

#### **Request and response**

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4. On 7 June 2024, the complainant wrote to TVCA and requested information in the following terms:
  - "- Details of the mayor's meetings in London during his trip taken around 23<sup>rd</sup> - 25<sup>th</sup> October 2023.
  - Details of the mayor's meetings in London during his trip taken 26<sup>th</sup> - 28<sup>th</sup> November 2023

- Details of the mayor's meetings in London during his trip taken 19<sup>th</sup> - 20<sup>th</sup> March 2024"

5. TVCA responded on 25 June 2024. It provided information for the 2024 meetings but, due to its retention policy, it no longer held the remaining information. A position which it maintained during its internal review.

## Reasons for decision

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### Section 1 – general right of access to information

6. Section 1 (1) 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."
7. Section 1(1) requires that a public authority must inform a requestor, in writing, whether it holds information falling within the scope of the request. If the public authority does hold relevant information, FOIA also requires that it communicates that information to the requestor, subject to any exclusions or exemptions applying.
8. In scenarios where there is some dispute between the amount of information held which a public authority says it holds, and the amount of information that a complainant believes is held, the Commissioner, following the lead of a number of First-tier Tribunal (Information Rights) decisions, applies the civil standard of the balance of probabilities.
9. In other words, in order to determine such complaints, the Commissioner 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 held any at the time of the request). For clarity, the Commissioner is not expected to prove categorically whether the information is held.
10. The Commissioner has therefore sought to determine whether, on the balance of probabilities, TVCA holds any additional information within the scope of the request.
11. TVCA firstly advised that data it holds in Outlook emails or calendars is only required to be held for a period of six months, with Microsoft Teams messages being retained for a period of 30 days. It explained this is in line with the TVCA data retention policy and the group data collection security and use policy.

12. TVCA informed the Commissioner that, on receipt of the request, officers conducted a search of the Mayor's TVCA Outlook diary, emails and SharePoint folders. It used the following key terms to conduct these searches "23<sup>rd</sup> – 25<sup>th</sup> October 2023, 26<sup>th</sup> - 28<sup>th</sup> November 2023, 19<sup>th</sup> - 20<sup>th</sup> March 2024 and London Meetings"
13. TVCA explained that information relating to the 19 – 20 March 2024 meetings was located and this information was provided to the complainant. It confirmed that, as the event was not a statutory event, there was no business purpose for the information to be held and no paper records were saved.
14. TVCA added that as Outlook emails and diaries are only retained for a period of six months, it was unable to find further information relating to the 2023 dates.
15. TVCA concluded by explaining a further search had been conducted on eDiscovery. eDiscovery is a software system which is used to electronically search colleagues' email, diary and Teams' history using date and keyword search parameters. It confirmed that the same search terms and dates were used in these searches and no further information within the scope of the request was located.
16. Based on the above the Commissioner is satisfied that, on the balance of probabilities, TVCA does not hold any additional information within the scope of the request.
17. The Commissioner is satisfied that appropriate searches for the requested information have been conducted and due to retention policies, had any information previously been held, it would likely have been deleted in line with the retention policy and prior to the request.

## **Right of appeal**

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18. 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)

19. 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.
20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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