

**Freedom of Information Act 2000 (FOIA)**  
**Environmental Information Regulations 2004 (EIR)**  
**Decision notice**

**Date:** 17 December 2024

**Public Authority:** Forestry Commission  
**Address:** 620 Bristol Business Park  
Coldharbour Lane  
Bristol  
BS16 1EJ

**Decision (including any steps ordered)**

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1. The complainant has requested correspondence between the Forestry Commission (“the public authority”) and the King. The public authority denied holding any information that would fall within the scope of the request.
2. The Commissioner’s decision is that, on the balance of probabilities, no information is held.
3. The Commissioner does not require further steps.

**Request and response**

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4. On 15 August 2024, the complainant wrote to the public authority and requested information in the following terms:

“Please note that I am only interested in information and documentation generated between 1 January 2021 and 1 January 2022.

Please note that the reference to Prince Charles in the questions below should include the prince himself (irrespective of which of his titles he used), his Principle Private Secretary (ies), any other private secretary (ies) and any other member of staff in his private office who is able to

correspond and communicate on his behalf. Please note that I am only interested in the correspondence and communication of these other individuals if these individuals are corresponding and communicating on behalf of the prince and or they are officially representing his views.

Please note that the reference to the Chair and or Chief Executive of the Forestry Commission in the questions below should be taken to mean any individual(s) who held the posts of Chair and or Chief Executive during the relevant period and anyone in their private office able to correspond and communicate on their behalf.

Please note that the reference to written correspondence and communications in the questions below should be taken to mean all traditional forms of correspondence such as letters, faxes, telegrams and memos. It should also include all emails irrespective of whether they were sent and or received through private or official accounts. It should also include all telephone text messages, Gmail messages and messages sent through encrypted messaging services including but not limited to WhatsApp.

Please note that in each case I am interested in receiving actual copies of any written correspondence and communications and not just extracts. So, in the case of a letter, for instance, this should include any letter heads, dates and signa. If you are minded redacting any information, can you identify the location of the redaction in the document provided. This way I should be able to ascertain where in the communication the redacted material occurs and the extent of any redaction.

1...During the relevant period did Prince Charles write to and or communicate with either or both the Chair and Chief Executive of the Forestry Commission. I am interested in all correspondence and communication irrespective of the subject matter. If the answer is yes, can you please provide copies of this correspondence and communication.

2...During the relevant period did either or both the Chair and the Chief Executive of the Forestry Commission write to and or communicate with Prince Charles. I am interested in all correspondence and communication irrespective of the subject matter. If the answer is yes, can you please provide copies of this correspondence and communication."

5. The public authority responded on 2 October 2024. It confirmed that 'Richard Stanford did meet with Prince Charles in November 2021, however this was routine as he was newly appointed in post. I can confirm that neither Richard Stanford nor William Worsley met with Prince Charles in 2021 otherwise.' The public authority confirmed that,

in line with section 1 (general right of access to information) no recorded information relevant to the request was held.

6. The complainant requested an internal review on 2 September 2024. They expressed concern that it's "highly likely that the organisation does hold information relevant to my request." They also raised concerns that the request had been handled under FOIA, when it had been made under the EIR.
7. The public authority provided the outcome to its internal review on 17 September 2024. It reiterated that no recorded information was held, in line with section 1 of FOIA and regulation 12(4)(a) of the EIR.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 20 September 2024 to complain about the way their request for information had been handled. Their grounds of complaint are the same: that the request was handled under FOIA when it should have been handled under the EIR and that information is held.

### **Reasons for decision**

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#### **Regulation 12(4)(a) – information not held**

9. There is no practicable difference between a section 1 determination under FOIA and a section 12(4)(a) determination under the EIR. Bearing in mind the complainant's concerns, and the role and function of the public authority, he'll consider this complaint under the EIR. However, since its position is that no information is held, the Commissioner doesn't consider the public authority has done anything wrong by first handling the request under FOIA and then the EIR at internal review stage.
10. In cases where a dispute arises over the recorded information held by a public authority, the Commissioner, following the outcome of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities. This means that the Commissioner will determine whether it is likely, or unlikely, that the public authority held information relevant to the complainant's request at the time that the request was received.
11. In order to make his determination, the Commissioner has considered the searches and enquiries that the Forestry Commission made in response to this request and why these searches and enquiries would have been likely to locate information within the scope of the request.

12. The complainant believes it's "highly likely" that the public authority holds information relevant to their request and that they have "no confidence" in its claim that no information is held.
13. The complainant hasn't expanded on why they think this is the case, other than "King Charles III as Prince Charles had an active interest in the state of Britain's forests."
14. In contrast the public authority has clearly explained the searches and enquiries that it carried out in response to the request:

"...all those currently employed by the Forestry Commissioner who may hold information in scope of the request have been contacted. This included a request for any personal recollection of communications; although this would not be recorded information it could help identify the likelihood of recorded information being held...

They also searched for any electronic communications from that period and they have all confirmed that no information is held. Email archives of former staff in appropriate roles and shared drives were also searched for references to the prince and no information was identified.

I would have expected all written (paper) communications to have been scanned and transmitted electronically internally, and if any had existed these would have been picked up in the searches. Nothing has been found."

15. To reiterate, the Commissioner only needs to determine whether it's likely, or unlikely, that relevant information is held in response to a request. He isn't required to prove so beyond reasonable doubt.
16. The complainant has provided no evidence, or even specific concerns, that would undermine the public authority's position here. Whilst acknowledging that the King, as Prince Charles, had an active interest in the state of Britain's forest, which is demonstrative by the meeting referred to in paragraph five, it doesn't automatically follow that the public authority would hold any information relevant to the request.
17. Looking at the searches and enquiries that the public authority made, and its explanation as to why they would have been likely to identify the information being requested, the searches and enquiries seem targeted, logical and reasonable. On the balance of probabilities, the Commissioner is satisfied that no information is held.

## **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.

**Alice Gradwell**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**