

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 November 2014

Public Authority: The British Library

Address: 96 Euston Road
London NW1 2DB

Decision (including any steps ordered)

1. The complainant has requested information about a Permitted Development Order, a Planning Order and the Encyclopaedia of Planning Law and Practice 2014. The British Library says that this information is already publicly available either in the Library and/or on a named website and is therefore exempt from disclosure under the FOIA, under section 21.
2. The Commissioner's decision is that the British Library has correctly applied section 21 of the FOIA to this request. The information is exempt from disclosure and he does not require the British Library to take any further steps.

Request and response

3. On 15 July 2014, the complainant wrote to the British Library and requested information in the following terms:
4. *"I...do hereby make a request under the Data Protection Act 1998, The Freedom of Information Act 2000 and the Copyright Act 1988 that:-*
 1. *You should provide me with a copy of an updated General Permitted Development Order 1995 No 418, as this has been amended by many other Development Orders and does also include Statutory Instrument 2014 No 564.*

2. I would like you to inform me charges for the copies, whist you should confirm that you do have the Encyclopedia of Planning Law and Practice 2014 at the Library.

The Town and Country Planning (Use Classes) Order 1987 No 764 (As Amended)."

5. The British Library responded on 7 August and said that it held the requested information. The General Permitted Development Order 1995 No 418 and the Town and Country Planning (Use Classes) Order 1987 No 764 (As Amended) are physically held in the Library and the Library provided the complainant with their Shelf Mark. The Library also provided the complainant with the web link to where both documents can be found online on the www.legislation.gov.uk website. The Encyclopaedia of Planning Law is held in the Library's offsite stock and the British Library explained to the complainant how they could access it. The British Library said that as the requested information is already publicly available, it is exempt from disclosure under section 21 of the FOIA.
6. Following an internal review the British Library wrote to the complainant on 27 August. It maintained its original position and also addressed other legal challenges that the complainant had raised.

Scope of the case

7. The complainant contacted the Commissioner on the 3 October 2014 to complain about the way their request for information had been handled. They did not however provide any specific assertions as to why the information they requested was not available in the manner described by the British Library. Instead they referred to other legislation and legal processes which the Commissioner considers have no bearing on the application of section 21.
8. The Commissioner has focussed his investigation on the British Library's application of section 21 to the withheld information.

Reasons for decision

9. Section 21 of the FOIA says that information is exempt from disclosure under the FOIA if it is already reasonably accessible by other means.
10. It is quite clear to the Commissioner, from the British Library's responses to the complainant and its submission to him, that all the information the complainant has requested is already publicly available – either as hard copies in the Library and/or as an electronic copy on a website.
11. The Commissioner is satisfied from the information provided to him, that the complainant could have obtained the information they requested from any of the suggestions that the British Library made, and that the information is therefore already reasonably accessible to the complainant.
12. The Commissioner considers that the British Library correctly applied the exemption under section 21 to the request, and that it also fulfilled its obligations under section 16 to provide advice and assistance to the complainant.

Right of appeal

13. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. 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.
15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Pamela Clements
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SK9 5AF