

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 February 2022

Public Authority: Shrewsbury Town Council
Address: Riggs Hall
Castle Gates
Shrewsbury
SY1 2AS

Decision (including any steps ordered)

1. The complainant requested from Shrewsbury Town Council, all correspondence between itself, the Town Council Leader, the Mayor, Councillors and PFK Littlejohn up to the year ending 2018 accounts and the current date 19 May 2020.
2. The Commissioner's decision is that, based on a balance of probabilities, Shrewsbury Town Council has disclosed all the requested information falling within the scope of the complainant's request and therefore has complied with Section 1 of FOIA.
3. The Commissioner does not require the public authority to take and steps.

Request and response

4. On 19 May 2020 the complainant emailed Shrewsbury Town Council (the Council) and requested:

".....all correspondence between the Town Council, Town Council Leader, the Mayor, Councillors and PFK Littlejohn up to the YE18 accounts and the current date 19 May 2020".
5. The Council responded on 18 June 2020 by disclosing the requested information. It resent it on 22 June 2020 as the complainant had experienced difficulty in accessing the zip file provided previously.

Scope of the case

6. The complainant contacted the Commissioner on a number of occasions in 2021 to complain about the way his requests for information had been handled. He raised general concerns about how these requests had been handled, and in particular that the council has not provided him with all the information he has requested.
7. On this basis, the scope of this investigation will be to determine whether the Council has complied with FOIA in respect of this request, and in particular, to determine whether it has disclosed all the information it holds falling within the scope of the request.

Reasons for decision

Section 1(1) of the FOIA – Information held / not held

8. Under Section 1(1) of the FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b) to have the information communicated to them if it is held and is not exempt information.
9. Where there is a dispute between a public authority and a complainant as to whether any recorded information falling within the scope of a request is held, the Commissioner, following the lead of a number of First-tier Tribunal decisions, must decide the matter based on the civil standard of a balance of probabilities.
10. The Council explained to the Commissioner that it has disclosed to the complainant all the recorded information it holds falling within the scope of his request. It provided him with a copy of the responses sent to the complainant on 18 and 22 June 2020. It also provided the Commissioner with a schedule of the disclosed information. This schedule also confirmed that none of the information had been redacted or otherwise withheld. A copy of the schedule was passed to the complainant on 17 August 2021.
11. The Commissioner invited the complainant to comment on this schedule and in particular asked him to confirm whether he considers any information to be outstanding. To date the complainant has not disputed that he received this information, and has not identified any information within the scope of this request, which he believes to be outstanding.
12. Despite the lack of direction from the complainant with regard to any further information that may be held, the Commissioner requested details of the enquiries and searches the Council had carried out to

identify and locate any recorded information falling within the scope of the complainant's request. It stated that as a small organisation, all the email searches were carried out by the Town Clerk and the Responsible Finance Officer. Furthermore, paper and electronic copies of files referencing financial information not held on email, were also checked.

13. Given the size of the public authority in question, the involvement of the parties who searched for the information in the matters to which the request relates, and the lack of any evidence that further information exists within the scope of the request, the Commissioner is satisfied that the searches carried out were sufficient.
14. Taking everything into consideration and based on a balance of probability test, the Commissioner is therefore satisfied that the Council does not hold any further information falling within the scope of the complainant's request.

Right of appeal

15. 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
16. 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.
17. 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

**Laura Tomkinson
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Wilmslow
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