

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 30 August 2022

Public Authority: Governing Body of Cotham School
Address: Cotham Lawn Road,
Cotham,
Bristol,
BS6 6DT

Decision (including any steps ordered)

1. The complainant requested information from Cotham School ("the School") relating to communications between the School and Bristol City Council regarding a planning application.
2. The Commissioner's decision is that the School has failed to carry out adequate searches for the requested information and therefore, on the balance of probabilities, has not identified all information held within the scope of the request.
3. The Commissioner requires the School to take the following steps to ensure compliance with the legislation.
 - The School must issue a fresh response to the request following searches aimed at identifying all the information held within the scope of the request.
4. The School must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 11 November 2021, the complainant wrote to the School and requested information in the following terms:

"Please provide copies of all communications passing between Cotham School and Bristol City Council in respect of planning application, 20/05776/VP (<https://pa.bristol.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QKNW7GDNH4500>), to include all communications made after it was granted."
6. The final position of the School was that it does not hold information within the scope of the request.

Reasons for decision

7. This reasoning covers whether the School is correct when it says that it does not hold any information within the scope of the request.
8. The position of the School is that it has conducted reasonable searches for the requested information. These searches did not identify any information within the scope of the request.
9. The complainant has provided the Commissioner with several documents which were disclosed in response to another request to a different public authority. These documents include correspondence from the School which also falls within the scope of this request. Therefore, the complainant considers these documents to be evidence that the School holds information within the scope of the request.
10. The Commissioner considers that the School has failed to conduct adequate searches for the requested information. Information will fall within the scope of the request if the information falls within an objective reading of the request, regardless of whether it has been filed under a particular reference number.
11. Therefore, the Commissioner's decision is that on the balance of probabilities, the School has not identified all the information within the scope of the request.
12. The Commissioner requires the School to issue the complainant with a fresh response to their request following searches aimed at identifying all the information held within the scope of the request. If the School locates information within the scope of the request, that information should either be disclosed to the complainant, or an adequate refusal notice should be provided.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Claire Churchill
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF