

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 2 September 2015

Public Authority: Rural Payments Agency
Address: North Gate House
Reading
RG1 1AF

Decision (including any steps ordered)

1. The complainant has requested information from the Rural Payments Agency (RPA) for information relating to an application made for a holding number on his land.
2. The Commissioner's decision is that the RPA holds no recorded information falling within the scope of the request.
3. The Commissioner requires the RPA to take no steps.

Request and response

4. On 16 September 2014, the complainant wrote to the RPA and requested the following information:
"Under the access to information scheme can I please have details of the information given to you by [redacted information] regarding their application for a holding number on my farmland".
5. The RPA responded on 10 October 2014. It stated that the information requested was exempt under regulation 13 of the EIR.
6. Following an internal review the RPA maintained its previous decision.

Scope of the case

7. The complainant contacted the Commissioner on 26 May 2015 to complain about the way his request for information had been handled.
8. During the Commissioner's investigation, the RPA reconsidered its handling of the request and determined that the information requested was not held.
9. The complainant disputed this and argued that the information requested would be held.
10. The Commissioner has therefore had to consider whether the RPA holds any recorded information falling within the scope of the request.

Reasons for decision

11. Regulation 12(4)(a) provides that a public authority may refuse to disclose information where it does not hold that information when a request is received.
12. Where there is a difference between the amount of relevant information identified by a public authority and the amount of relevant information that the complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions, applies the civil standard of proof, the balance of probabilities. The Commissioner must decide whether on the balance of probabilities the public authority holds (or held at the time of the request) any information which falls within the scope of the request.
13. The complainant has argued that the RPA would hold the information that has been requested. The Commissioner subsequently returned to the RPA with a number of questions to determine whether the requested information was held.
14. The RPA explained that the third party subject to the request has never submitted an application form, map or field number in association with the County Parish Holding (CPH).
15. The RPA advised the Commissioner that if it had received an application form, maps and field number for the third party, this would mean that they have applied for the Single Payment Scheme (SPS) subsidy. The RPA confirmed that if this were the case, it would need to hold a considerable amount of information to process any application for payment, including personal information such as bank details. The RPA

confirmed that it has not received such information and has not paid the third party any subsidy.

16. The Commissioner understands from the RPA that the third party contacted the RPA in August 2014 to register as a hobby keeper and was allocated a customer number and a CPH to keep sheep and pigs. This is a requirement set out by the EU commissioner to prevent and control the spreading of any diseases/viruses. However, the RPA stated that this process does not involve the completion of any forms, maps or details of field numbers by the customer as it is completed over the telephone.
17. The RPA provided the Commissioner with an image of a search it had carried out on the third party customer file. The image shows that the search returned no results and therefore no information was held.
18. The RPA further confirmed that no information relevant to the scope of the request had been deleted or destroyed.

The Commissioner's view

19. After reviewing the submissions provided by the RPA and on the balance of probabilities, the Commissioner has determined that the RPA holds no recorded information falling within the scope of the request.

Right of appeal

20. 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

21. 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.
22. 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

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF