

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

**Decision notice**

**Date:** 11 October 2016

**Public Authority:** Wiltshire Council

**Address:** County Hall  
Trowbridge  
BA14 8JN

**Decision (including any steps ordered)**

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1. The complainant has requested information about a planning matter concerning Roundhouse Farm. Wiltshire Council ('the Council') released some information and withheld other information that it said was exempted from disclosure. The complainant considers that the Council holds further relevant information that it has not disclosed.
2. The Commissioner's decision is that, on the balance of probabilities, the Council holds no further information and has complied with its obligation at regulation 5(1) (duty to make environmental information available on request). The Commissioner does not require the Council to take any steps.

**Request and response**

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3. On 15 March 2016, the complainant wrote to the Council and requested information in the following terms:

*"please supply me with all information relating to Roundhouse Farm for which the Council has records for the period 12th October 2015 to date.*

*This should include all information sent, shared and received and a record of all of the names of recipients for each piece of information both inside and outside the Council."*

4. The Council responded on 18 March 2016. It released some information. It withheld a draft letter under regulation 12(4)(d) (material in the

course of completion) and withheld other information under regulation 12(3) (third person personal data). The Council said the public interest favoured maintaining these exceptions. It also said that further information would be released when it had been received from one particular staff member.

5. Following an internal review the Council wrote to the complainant on 25 April 2016. It clarified the scope of the remaining information that it intended to release to the complainant and provided more detail about its application of regulation 12(4)(d) to some of the information. The Commissioner's understanding is that the complainant subsequently received the outstanding information referred to above.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 27 April 2016 to complain about the way his request for information had been handled. In correspondence with the Commissioner the complainant confirmed that the focus of his complaint is not the Council's application of particular exceptions to some of the information, but that the Council holds additional relevant information - namely correspondence between officers - that it has not disclosed.
7. The Commissioner's investigation has therefore concentrated on whether, on the balance of probabilities, the Council has released all the relevant information it held at the time of the request and has complied with its obligation under regulation 5(1) of the EIR.

### **Reasons for decision**

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8. Regulation 5(1) of the EIR says that a public authority that holds environmental information must make it available on request.
9. The Council has released to the complainant copies of emails and letters. In one of the email exchanges an officer, on 4 November 2015, refers to having tried to respond to a message apparently sent through the Council's 'Lync' system, but being unable to do so through Lync. The complainant considers that information relevant to his request was generated through the Lync system, which the Council should hold but which it has not disclosed to him. He says that the Council should keep a duplicate of any employee correspondence, including through Lync, for auditing, management, HR and security purposes.

10. The Council has told the Commissioner that its IT department has confirmed that Lync is an instant messaging system that also has video capability. It is not an email system. As such, the Council says it does not automatically retain records of 'conversations' generated through Lync. This is because to do so would require a considerable amount of expense for storage plus associated management overheads for administering backup and retrieval.
11. If individual officers wish to retain a particular Lync conversation they can do so, but this is not the norm because the facility for storing conversations is, by default, turned off.
12. The Council's Governance Policy with regard to Lync emphasises that Lync is to be used for informal discussions, similar to verbal conversations, and that any important decisions must be recorded by other means.
13. The Council says that there may be a small window where Lync traffic is stored, but this will be measured in hours rather than days or weeks. As a result, the Council is satisfied that it holds no relevant information on its Lync system. The Commissioner assumes this must include any original message sent through Lync to which the officer tried to respond on 4 November 2015.
14. The Council says it has reviewed the request and its response again as a result of the Commissioner's investigation. The Council has confirmed that the search it undertook (using the search terms 'Roundhouse Farm' '15/01978/WCM and 'N/10/00590') retrieved all the relevant information that it holds, including on its Lync system, and that it has disclosed to the complainant all the non-excepted information that it holds. The Council has confirmed that it does not hold any further information that is relevant to the request.
15. The Council has told the Commissioner that any relevant information would be held electronically and that it is the Council's practice to scan and save any manual records (ie letters from an external source) and dispose of the hard copy. The Commissioner considers that the searches that the Council has undertaken for any information within the scope of the complainant's request have been satisfactory. On the balance of probabilities, she is prepared to accept that, at the time of the request, the Council held no further relevant information.

## Right of appeal

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16. 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](mailto:GRC@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. 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.
18. 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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**