

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 8 March 2016

**Public Authority:** London Borough of Enfield  
**Address:** Civic Centre  
Silver Street  
Enfield  
Middlesex  
EN1 3XA

#### Decision (including any steps ordered)

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1. The complainant has requested information from the London Borough of Enfield ("the Council") relating to the Southgate Town Controlled Parking Zone (CPZ) extension project, including consultations held between the Council and contractors.
2. The Commissioner's decision is that the Council does not hold any further information in addition to that which has already been disclosed to the complainant.
3. The Commissioner requires the Council to take no steps.

#### Request and Response

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4. On 25 August 2015 the complainant requested information of the following description:  
*"...all documents relating to the Southgate Town CPZ extension project, from August 2014 to date."*
5. The complainant's request was acknowledged by the Council on 26 August 2015.
6. On 23 September 2015 the complainant wrote to the Council as he had not received a response to his request.

7. On 23 September 2015 the complainant received an email from the Council stating it would require additional time to respond to his request, it advised him that it would try to respond by 7 October 2015.
8. The Council provided the complainant with information in response to his request on 29 September 2015.
9. On 2 October 2015 the complainant requested an internal review as he believed that the Council had wrongly applied section 22 to withhold documents relating to consultations held between the Council and its contractors. However, before the internal review could take place, the Council provided the complainant with these documents.
10. The internal review found that the response had been late, but stated that the original application of section 22 was accurate. It further stated that all information relating to the complainant's request had been provided to him.

## Scope of the Case

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11. The complainant contacted the Commissioner on 5 January 2016 to complain about the way his request for information had been handled.
12. The complainant disputed the Council's response to the request. He argued that he believed that there should be more documents relating to the consultations held between the Council and the contractors
13. The Commissioner has had to consider whether the Council holds any of the requested information.

## Reasons for Decision

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### Section 1 – is further information held?

14. Section 1(1) of FOIA states that:

*"Any person making a request for information to a public authority is entitled: -*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him".*

15. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the ICO, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
16. In other words, in order to determine such complaints the ICO must decide whether on the balance of probabilities a public authority holds any information which falls within the scope of the request (or was held at the time of the request).
17. The Council explained that it had carried out an electronic search for all information relating to the proposed CPZ, including for consultations between the Council and the contractors on the Council's computer network and in emails.
18. The Council used the terms 'Chelmsford' and 'Southgate' to conduct its search. It also used the names of the staff members that were involved in the handling the project.
19. The Council explained that these searches would have been likely to retrieve any relevant information because they comprised a comprehensive search of the Council's electronic system, and all information about the project was held on the electronic system. The Council confirmed to the Commissioner that it held no additional recorded information on this matter.
20. Based on the submissions provided by the Council, the Commissioner is satisfied on the balance of probabilities that the Council has provided all the information that it holds that falls under the request.

### **Section 10 – Late Response**

21. Section 10 of FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt"*.
22. From the information provided to the Commissioner in this case, it is evident that the Council has not responded to the request within the statutory timeframe of 20 working days. The Council has therefore breached section 10 of the FOIA.

## Right of Appeal

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23. 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)

24. 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.
25. 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**