

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 August 2016

Public Authority: Post Office Limited
Address: 20 Finsbury Street
London
EC2Y 9AQ

Decision (including any steps ordered)

1. The complainant has requested information about a consultation on the relocation of the Post Office at Swavesey. Post Office says it does not hold the requested information.
2. The Commissioner's decision is that Post Office does not hold the information that has been requested. The Commissioner does not require it to take any steps.

Request and response

3. On 31 January 2016, the complainant wrote to Post Office and requested information in the following terms:
"Can you please let me know the total number of individuals whose view was that the proposed parking outside Costcutters will not be suitable."
4. Post Office responded on 17 February 2016. It denied holding the requested information.
5. Following an internal review, Post Office wrote to the complainant on 10 May 2016. It upheld its original position.

Scope of the case

6. The complainant contacted the Commissioner on 11 May 2016 to complain about the way his request for information had been handled. He disputes that Post Office does not hold the information he is seeking.
7. The Commissioner's investigation has focussed on whether or not Post Office holds the requested information.

Reasons for decision

8. Section 1(1) of the FOIA says that anyone who submits a request for information to a public authority is entitled to be told whether the authority holds the information and, if it does, to have that information communicated to him or her.
9. The request concerns the proposed relocation of the Post Office in Swavesey; from Market Street to a branch of 'Costcutters' in the village. Post Office has explained to the Commissioner that when it proposes to relocate a branch, it conducts a public consultation process. Post Office informs stakeholders, customers and local representatives of the proposal and invites them to share their views on the proposal with Post Office, via a number of channels: an online portal, email, letter and telephone.
10. Post Office says that the consultation process does not involve conducting a 'for' or 'against' survey of the proposal. It gathers views about the detail of the proposal, seeking comments on certain aspects. For example, Post Office may be interested in understanding how customers would get to the new location and so would ask *'in terms of ease of getting to, would the proposed location of the Post Office be..?'* Prospective respondents are given the opportunity to give a view and make comments on these questions via the online portal and the other channels. Respondents also have the opportunity to make other general comments about any aspect of the proposal, if they wish.
11. When a consultation period ends (typically after a six week period) Post Office will internally collate the relevant information it has received and will use the information to make its final decision. This may be to make adjustments to the proposal or more fundamental changes as appropriate. Stakeholders will then be advised of the decision, with the decision published in the branch and on the Post Office website. The decision letter will include an explanation of the feedback received during the consultation and comments on it in terms of the decision the Post Office has taken.

12. The complainant's request concerns the number of people whose view was that the parking provision outside the proposed relocated branch would not be suitable ie who were 'against' this aspect of the proposal. Post Office has reiterated that its consultation process, as described above, is not constructed on a 'for' or 'against' basis or on a 'total number of views' basis.
13. In its submission to the Commissioner, Post Office has highlighted the different channels that contributors to the consultation may use – the online portal, email, phone or by post. Respondents are not required to provide their personal information or to identify themselves. Where this information is requested ie via the online portal, there is an option for respondents to indicate that they prefer not to include this information. They can then proceed with their submission. There is also no restriction on the number of times that respondents can input their views on the consultation or the channels through which they choose to contribute.
14. With regard to the complainant's request, Post Office has confirmed to the Commissioner that it does not hold this information. This is because it creates a repository of all feedback received during the consultation period. Online responses, emails, letters and telephone calls are entered into the repository verbatim. Post Office says it does not then categorise the information into those in favour and those against. The comments are collated in the context of the questions asked. For example, comments that are received on the issue of the ease of getting to the new location will be structured under that heading.
15. Post Office has told the Commissioner that a respondent may flag up that they may find it harder or easier to get to the new location and they may highlight parking. However, Post Office says that it should be recognised that because a respondent states that it is harder to park does not necessarily mean that they are saying that the parking at the new location is not suitable. In order to interpret the respondent's submission in the way requested – ie that their view is that the parking is not suitable – would require Post Office to make a judgement on the respondents' views.
16. As an example, for the Swavesey consultation, Post Office says that a respondent has commented that "*Currently the post office is in a very convenient location at the heart of the village with ample parking*". Post Office says that while the respondent may be indicating that they favour the current location, they may or may not be indicating that the parking at the new location is not suitable. To answer this question would require a judgement on what the respondent meant.

17. In addition, a single respondent may respond about parking in differing ways to different questions, and can also respond to the consultation through various channels, and a number of times, without providing their personal details. Post Office says that it is therefore not able to make a distinct categorisation of *'the total number of individuals whose view was that the proposed parking outside Costcutters will not be suitable'*.
18. Post Office has emphasised that its consultation process involved gathering views – it is not a vote on the principle of the change. Post Office recognises that in considering the comments provided in the consultation, the reviewer may gain a sense of the broad feeling towards the proposal but says that this is different from a simply categorisation of X number of respondents expressing the view that the parking would not be suitable.
19. Post Office notes that in its response to the complainant, and in its internal review, it offered to provide him with a copy of the Swavesey consultation submissions. Given the size of this document Post Office advised him that it needed his postal address so that it could be put in the post. The complainant has not provided a postal address.
20. To conclude its submission to the Commissioner, Post Office confirmed that, having reviewed the matter again, it remains satisfied that it does not hold the information requested by the complainant. It re-stated that its consultation process is not based on a 'for' or 'against' structure and that it does not hold the information it received through the consultation in that manner. Comments it received will be many and varied and relate to specific aspects of the proposal. Respondents are also not required to provide their personal details and can contribute to the consultation through a range of channels, and more than once if they wish. For these reasons, Posts Office says it is not possible to determine the answer to the specific question asked by the complainant in terms of the suitability of parking and the number of individuals.
21. In the Commissioner's view, Post Office has explained clearly that its consultation asks for views and comments; the consultation does not ask for a 'Satisfied' 'Not satisfied' response to the proposal or any specific aspect of the proposal.
22. In his request for an internal review, the complainant argued that it was reasonable to ask for a simple manipulation of the responses Post Office holds in order to produce the total number of individuals not satisfied with the parking at the proposed new location. The Commissioner does not consider that it is a question of Post Office being obliged to manipulate the information that it holds in order to provide the answer the complainant is seeking - Post Office simply does not hold the base

information from which such a figure could be generated. Having analysed the submissions it received through the consultation, Post Office has not then narrowly categorised responses as 'For' or 'Against' the proposal as a whole or any aspect of it. It would not be able to do this as a result of the way its consultation was structured. Consequently, it does not hold this specific information.

23. As Post Office has explained, it would have to make subjective judgements as to whether each relevant response or comment meant that the responder was of the view the parking at Costcutters would not be suitable. Irrespective of the fact that Post Office is not obliged to undertake such a task in order to respond to a request, this process would not necessarily generate an accurate or robust result. This is, first, because, despite appearances, the responder may have in fact been satisfied with the proposed parking arrangements. Second because the responder may have submitted more than one response to the consultation anonymously and through different channels, and so will have been double counted.
24. Having considered Post Office's submission, and the complainant's correspondence with Post Office, the Commissioner is satisfied that Post Office does not hold the information that the complainant has requested. The complainant might now want to consider taking up Post Office's offer to have the all the consultation submissions sent to him.

Right of appeal

25. 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

26. 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.
27. 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
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