

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 29 October 2018

**Public Authority:** Royal Borough of Greenwich  
**Address:** The Woolwich Centre  
35 Wellington Street  
London  
SE18 6HQ

#### **Decision (including any steps ordered)**

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1. The complainant has requested details about a policy to introduce free riding lessons as part of Greenwich's Olympic legacy.
2. The Commissioner's decision is that the Royal Borough of Greenwich ("the Royal Borough") holds no information within the scope of the request.
3. The Commissioner does not require any further steps to be taken.

#### **Background**

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4. On 5 February 2018, the complainant contacted the Royal Borough and requested information in the following terms:

*"In 2012 there were many reports that as part of the Olympic legacy children in the borough would get riding lessons. Detail on the practicalities has never been available anywhere that I can find. So under FOI rules I would like to know*

1. *when were the lessons offered?*
2. *has the offer finished? If so when?*

3. *what criteria were applied for eligibility? age? income? geographical location? aptitude?*
  4. *how many lessons were offered per child?*
  5. *what happened if a child was found to have ability but could not afford follow up lessons?*
  6. *out of all those eligible how many actually had the lessons?*
  7. *who provided them?"*
5. The Royal Borough responded to this request on 8 March 2018. It stated that no riding lessons were offered as part of the Olympic legacy programme. It stated that, separately from the Olympic legacy programme, riding lessons were provided to adults and provided some information about those lessons.

## **Request and response**

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6. On 2 May 2018, the complainant wrote to the Royal Borough and, referencing her previous request, requested information in the following terms:
- "a number of us are very curious about what happened to the original legacy promise. Therefore I would like to know:*
- [1] when was the decision made to change the original legacy promise?*
  - [2] who made it (by that I mean which committee or similar body)?*
  - [3] why was it changed?"*
7. The Royal Borough responded on 17 May 2018. It stated that a programme offering subsidised riding lessons had been offered by the British Equestrian Foundation but that this had been a London-wide programme and therefore any information would have been held by either the Greater London Authority or the London Mayor's Office.
8. Following an internal review the Royal Borough wrote to the complainant on 7 June 2018. It stated that it held no information within the scope of the complainant's request as it had not provided or operated any lessons itself.

## Scope of the case

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9. The complainant contacted the Commissioner 8 June 2018 to complain about the way her request for information had been handled.
10. The scope of this decision notice is to consider whether any information was held within the scope of the request.

## Reasons for decision

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11. Section 1(1) of the 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.*

### *The Complainant's position*

12. When making her request the complainant stated *"I have spoken to people in my area and we all remember the banner headlines promising a free riding lesson for each child as part of the Olympic legacy."*
13. When complaining to the Commissioner, she went on to state that: *"It was widely published in the local press that Greenwich would be providing free riding lessons to every child in the borough. The grannies group I belong to were all agreed we had never heard of this happening."*
14. The Commissioner has been unable to locate any online news articles which mention programmes of free riding lessons and she therefore offered the complainant the opportunity to supply evidence that such a programme had existed or been advertised.
15. The complainant was unable to supply any articles which mentioned the programme apart from an unsourced reference in a blog post. She stated that the "promise" had been included in copies of the Royal Borough's free newsletter "Greenwich Team" (which is no longer published), but that she no longer had a copy herself.

*The Royal Borough's position*

16. The Royal Borough states that it neither operated nor provided programmes offering riding lessons and therefore it holds no information within the scope of the request.
17. Nevertheless, staff within its Employment & Skills team (which deals with the new Equestrian Centre in Greenwich) carried out searches of their electronic files to establish whether information was held. It also checked its own Olympic legacy report for any references made to riding lessons without success.

*The Commissioner's view*

18. The Commissioner's view is that the Royal Borough does not hold the requested information.
19. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and arguments. She will also consider the actions taken by the authority to check that the information is not held and any other reasons offered by the public authority to explain why the information is not held. Finally, she will consider any reason why it is inherently likely or unlikely that information is not held.
20. For clarity, the Commissioner is not expected to prove categorically whether the information is held, she is only required to make a judgement on whether the information is held on the civil standard of the balance of probabilities.
21. In the Commissioner's view, whether information would exist within the scope of the request would turn on whether a "promise" of free riding lessons was ever offered. Had no promise been made, information could not have existed as no decision would have been required to alter the "promise."
22. In this case there is a paucity of evidence demonstrating that any promise was made. The electronic archives of "Greenwich Time" only go back to 2015, so lend no support to the complainant's reasoning. .
23. The Commissioner considers that the searches the Royal Borough has carried out were relevant, thorough and likely to identify information within the scope of the request – if it were held.

24. Given the lack of information identified from the searches and the lack of evidence indicating that such information would have existed, the Commissioner concludes that the Royal Borough does not hold any relevant information.

## Right of appeal

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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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**