

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 9 July 2020

**Public Authority:** Teignbridge District Council

**Address:** Forde House  
Brunel Road  
Newton Abbot  
Devon  
TQ12 4XX

### Decision (including any steps ordered)

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1. The complainant has requested information in relation to the council and legal definitions. Teignbridge District Council provided some information and explained that it did not hold any further information in relation to question 1 and no information in relation to question 2.
2. The Commissioner's decision is that, on the balance of probabilities, Teignbridge District Council is correct to state that it does not hold any further information in relation to question 1 and no information in relation to question 2. The Commissioner therefore considers that it has not breached section 1 (right to information) of the FOIA.
3. The Commissioner does not require Teignbridge District Council to take any steps to ensure compliance with the legislation.

### Request and response

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4. On 14 May 2019, the complainant wrote to Teignbridge District Council (the council) and requested a mix of personal information, which was dealt with separately and three FOIA requests:

*"Who or what is Teignbridge Borough Council?"*

*Please provide the name of the dictionary that Teignbridge District Council use to define the meanings of the following words: Person,*

*Occupier, Resident, Order, You, Must, Human, Bill, Statement, and Account.*

*Please provide us with your company's definition of a 'person' as the Government Finance Act is only aimed at 'persons' not people I.E. living men and woman."*

5. The council responded on 31 May 2019. It answered the first question, explaining that it is a local authority and also what it does. In relation to the remaining two questions, it explained that it does not hold the requested information.
6. Following an internal review the council wrote to the complainant on 12 August 2019. It provided further information in relation to question 1 and answered questions 2 and 3.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 29 November 2019 to complain about the way his request for information had been handled. He explained that he had asked three very important questions, in order to determine the nature of his relationship with the council and whether or not council tax applied to him.
8. The complainant also explained that the legislation the council referred him to regarding the definition of the word 'person' was the Local Government Finance Act 1992 and the Council Tax (Administration and Enforcement) Regulations 1992. He explained that neither of these pieces of legislation have a definition of the word 'person', although many acts and statutes do carry definitions.
9. The complainant also provided the Commissioner with various legal definitions of the word 'person', including the definition set out in Black's Law Dictionary - 9th Edition. He also raised other issues which are outside the remit of the Commissioner.
10. The Commissioner notes that question 3 of the request asks: "*Please provide us with your company's definition of a 'person' as the Government Finance Act is only aimed at 'persons' not people I.E. living men and woman."*
11. The Commissioner notes that the council is a local authority rather than a company. She also notes that the council has explained to the complainant what legislation it relies on regarding the definition of a 'person'. She will therefore not consider this point any further.

12. The Commissioner will therefore consider whether the council, on the balance of probabilities, is correct to state that it does not hold any further information in relation to question 1 and holds no information in relation to question 2.

### **Reasons for the decision**

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13. The council explained that in relation to question 1: "*Who or what is Teignbridge Borough Council?*", it does not hold any further information.

### **Section 1 – information held/not held**

14. Section 1 of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the information and if so, to have the information communicated to him.
15. The Commissioner asked the council what searches were carried out for information falling within the scope of question 1. The council explained that the legislation covering council tax was found on the publicly available HM Government website [legislation.gov.uk](http://legislation.gov.uk). It also confirmed that it had provided the complainant with a link to it, together with a link to its own website where its constitution explains what the council is and does, in its internal review. It also explained that internal searches revealed pdf documents on its network document storage system, but as the same documents have been published on its website as publicly available information, the relevant website link to the information was provided to the complainant in its internal review, in order to assist him. The council also explained that the national legislation covering local government (and the operation of councils) was found by searching the public internet to locate it on the HM Government website and reiterated that it had provide the complainant with a link, during its internal review.
16. The Commissioner also asked if searches included electronic data, to explain whether the search included information held locally on personal computers used by key officials (including laptop computers) and on networked resources and emails. The council explained that its searches covered the networked storage system for its democratic services department, as well as its intranet.
17. In addition, the Commissioner asked if the searches included electronic data, which search terms were used. The council confirmed that it had used the following search terms: 'Teignbridge District Council Constitution' and 'Local Government Act'.

18. The Commissioner also asked that if additional information were held, would it be held as manual or electronic records. The council confirmed that it would be held electronically.
19. The Commissioner asked whether any recorded information ever held relevant to the scope of the complainant's request had been deleted or destroyed. The council confirmed that no recorded information had been destroyed relevant the complainant's request.
20. Additionally, the Commissioner asked if there was a business purpose for which the requested information should be held and what the purpose would be. The council explained that one element of the request was for an explanation of what Teignbridge Council is. It confirmed that the explanation was found in its constitution, available on its website, where full details of its operations and management structure can be found.
21. Furthermore, the Commissioner asked the council whether there are any statutory requirements upon it to retain the requested information. The council explained that the constitution which sets out its rules of operation, is a statutory requirement.
22. Taking everything into account, the Commissioner does not consider that there is any evidence that show that the council holds any additional recorded information in relation to question 1 of the request.
23. The Commissioner is therefore satisfied that, on the balance of probabilities, the council does not hold any further recorded information in relation to question 1 of the request. Accordingly, she does not consider that there is a breach of section 1 of the FOIA.
24. The council explained that in relation to question 2: "*Please provide the name of the dictionary that Teignbridge District Council use to define the meanings of the following words: Person, Occupier, Resident, Order, You, Must, Human, Bill, Statement, and Account*" it did not hold the requested information. It confirmed that it does not use a dictionary to interpret the words set out above.
25. The Commissioner asked the council about what searches were carried out for information falling within the scope of this request. The council explained that it does not hold any information within the scope of question 2, as it does not use a dictionary to define the words in question. It also explained that its Revenue and Benefits Manager, Council Tax Manager and the Solicitor all confirmed that the requested information does not exist. The council confirmed that the words it uses to communicate matters relating to council tax are common parlance. It also explained that the requester had subsequently clarified that the question was in relation to council tax liability. The council explained

that it had provided a link (in its internal review) to the publicly available legislation relating to council tax on the HM Government website, in order to assist the complainant by showing that there is no available information regarding those exact terms, with the exception of the word 'person'.

26. The Commissioner asked if there a business purpose for which the requested information should be held and what the purpose would be. The council explained that there was no business purpose for it to hold the requested information.
27. Furthermore, the Commissioner asked the council whether there are any statutory requirements upon it to retain the requested information. The council confirmed that there were no statutory requirements for it to hold the requested information.
28. The Commissioner has considered the council's explanation regarding not using a dictionary. She notes that in relation to the term 'person', it has explained to the complainant which legislation it uses to define this term in the context of council tax. She also notes that there is no business purpose or statutory requirement for it to hold the requested information.
29. The Commissioner considers that the council could not have carried out any meaningful searches for the requested information in relation to question 2.
30. The Commissioner is therefore satisfied that, on the balance of probabilities, the council does not hold any recorded information in relation to question 2 of the request. Accordingly, she does not consider that there is a breach of section 1 of the FOIA.

## **Other matters**

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31. The complainant requested an internal review on 3 July 2019. The council responded on 12 August 2019.
32. Part VI of the section 45 Code of Practice (the code) makes it good practice for a public authority to have a procedure in place for dealing with complaints about its handling of requests for information.
33. While no explicit timescale is laid down in the code, the Commissioner has decided that a reasonable time for completing an internal review should normally be within 20 working days of receipt of the request for review. In exceptional circumstances it may be reasonable to take longer but in no case should the time taken exceed 40 working days.

34. The Commissioner notes that the council did not provide her with any reasons regarding exceptional circumstances. She is concerned that it took approximately 1½ months for it to complete the internal review.

## Right of appeal

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35. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

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

36. 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.
37. 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 .....**

**Laura Tomkinson  
Group Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
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SK9 5AF**