

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

**Decision notice**

**Date:** 22 June 2021

**Public Authority:** Ammanford Town Council

**Address:** [clerk@ammanfordtowncouncil.co.uk](mailto:clerk@ammanfordtowncouncil.co.uk)

**Decision (including any steps ordered)**

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1. The complainant requested information about laptops held by Ammanford Town Council ("the Council"). The Council provided some information, stated other information was not held and advised that some information was held within Council offices and could not be retrieved at that time due to the Covid 19 pandemic. During the course of the Commissioner's investigation, the Council disclosed some additional information. The Commissioner's decision is that the Council does not hold any further recorded information relevant to the request. The Commissioner also finds that the Council breached section 10 of the FOIA in failing to comply with section 1 within the appropriate timescale. The Commissioner does not require any steps to be taken.

**Request and response**

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2. On 12 June 2020, the complainant wrote to the Council and requested information in the following terms:

*"Ammanford Town Council agreed to spend about £11,500 in 2019 on laptops and a suite of software to enable Town Councillors to participate fully, and compliantly, with the duties of the Council.*

*Please can you confirm:*

- a) *How many laptops were purchased, the date of delivery to the Council and the total cost?*
- b) *How many laptops have not been collected by Town Councillors?*

*c) The dates on which each Town Councillor collected their laptop and when each has performed a password reset to access Council services?*

*Please include recorded information for all Councillors, ie those resigning in 2019/20 and those who've been co-opted since".*

3. The Council responded on 29 June 2020 and provided details of the date of delivery and the date of password reset. In relation to how many laptops had not been collected and the dates that councillors collected their laptops, the Council stated that as the information was stored within council offices, it was not able to provide it at that time as the offices were closed due to the Covid 19 pandemic.
4. On 1 July 2020 the complainant requested an internal review of the Council's handling of the request, with specific reference to parts b and c of the request.
5. On 31 July 2020 the Council provided the outcome of its internal review. It confirmed that all laptops that had been issued to councillors who had left were returned by 20 January 2020 and, due to the Covid 19 pandemic no laptops had been given to new, co-opted councillors. In respect of part c of the request, the Council advised that "*the issue of new login details and passwords was undertaken by the company that provides the Office 365 Support to ATC*".
6. The Council issued a further response on 6 August 2020 confirming the quarterly rental payments for the laptop and the period of rental.
7. The complainant wrote back to the Council on 8 September 2020 expressing his continued dissatisfaction with its handling of the request.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 31 July 2020 to complain about the way his request for information had been handled.
9. During the course of the Commissioner's investigation, the Council located additional recorded information held relevant to the request, which it disclosed to the complainant.
10. The scope of the Commissioner's investigation is to determine whether the Council holds any further recorded information relevant to the request.

## Reasons for decision

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### Section 1 – general right of access

11. Section 1 of the FOIA states that any person making a request for information is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request and, if that is the case, to have that information communicated to him.
12. 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 she will consider any other reasons offered by the public authority to explain why the information is not held. She will also consider any reason why it is inherently likely or unlikely that information is not held.

#### *The Council's position*

13. The Council advised the Commissioner that, at the time the request was received, its offices were closed due to restrictions in place as a result of the Covid 19 pandemic. The offices had been closed since 20 March 2020. At the time of the Commissioner's investigation, Council offices were open for limited periods to collect essential documentation and as a result, the Council was able to locate further information held relevant to the request, which it disclosed to the applicant. This information comprised a table showing the date that Councillors collected their laptop, the number of councillors who had not collected a laptop and the date of password resets.
14. With regard to whether the Council is likely to hold any further information falling within the scope of this request, the Commissioner asked the Council to explain the searches it had undertaken to locate information falling within the scope of this request and to explain why those searches would have been likely to locate all of the information in scope.
15. In terms of the searches undertaken, as Council offices were closed at the time of the request, the Council was only able to access information held electronically, along with bank accounts and bills/accounts for the current financial year. The Council advised that electronic searches were carried out of its emails and storage drives on the Clerk's personal

computer, one drive, documents and emails. Searches were conducted using a wide range of search terms including laptop, councillor, co-option, password, lease and contract. No electronic information was identified relating to the lease of laptops and as a result searches were undertaken of bank accounts to identify relevant information. From these searches, the Council identified contact details for the company whom the laptops are leased from. An email was sent to the leasing company who were able to provide details of the leasing contract agreement. This information, relating to part a of the request, was disclosed to the complainant.

*The complainant's position*

16. As stated earlier in this notice, when restrictions allowed access to the Council offices, further information was identified relating to parts b and c of the request which was subsequently disclosed to the applicant. Prior to this information being disclosed, the complainant raised a number of queries concerning the Council's position that no recorded information was available electronically. The Commissioner put these queries to the Council during her investigation.
17. In terms of part b of the request, the complainant expressed surprise that no reminder emails had been sent to councillors reminding them to pick up their laptops. In a response to the complainant dated 5 August 2020, the Council stated that any laptop that been issued to the councillors who resigned in December 2019 had been returned by 20 January 2020. The information which the Council disclosed during the Commissioner's investigation shows that six councillors had not collected their laptops, which includes two councillors who had resigned in December 2019. The Council advised the Commissioner that it had not been possible to issue laptops to newly appointed councillors due to the timescale involved between their appointment and the closure of Council offices in March 2020 due to the pandemic. A date had been arranged for an IT officer from Carmarthenshire Council to setup the laptops for the new councillors but this was subsequently cancelled due to Covid 19 restrictions. As a result no reminder letters were issued to councillors to pick up their laptops. The Council confirmed that electronic searches were undertaken to identify whether any reminder emails were sent and none were found.
18. With reference to part c of the request, in its response dated 29 June 2020, the Council stated that the password change had been undertaken on 3 February 2020. The complainant challenged this response, as he understood that as the Council leased the MS Office 365 package it would have had to arrange a licence transfer for laptops returned and re-issued. Also he believed that there would be a password control panel for the entire Council domain which is remotely accessible. This should record the password policy and show the date each councillor sets or

changes their password. He indicated that this information is likely to be a cloud hosted service and as such access to Council offices should not be necessary to retrieve the information in question.

19. The Council advised the Commissioner that there are two levels of passwords which are required to access the relevant systems. The initial password is to access the laptop itself and the second password is to access the Office 365 suite. When a password change is required for entry level 1, a request is sent to Carmarthenshire County Council who arrange for one of their IT officers to visit council offices and undertake this task. When a password change is required in respect of Office 365 the Council sends a request to Comcen (who the Council pays an annual renewal fee for access to Office 365), who then make the necessary arrangements. New passwords are received from Comcen electronically by encrypted email.
20. The Council advised the Commissioner that when four councillors resigned in December 2019, an IT officer from Carmarthenshire Council arranged a password change and this was undertaken on 3 February 2020. Since the date of the request, further password changes have been undertaken. In addition, in conjunction with Carmarthenshire County Council, a programme is currently being implemented where an additional unique security code will be sent to the laptop user's mobile phone before access is permitted to the Office 365 suite.
21. Apart from the date of 3 February 2020, which has been disclosed to the complainant, the Council confirmed that all the searches it has undertaken both at the time of the request and since had not identified any additional information relating to the date of any password changes.

*The Commissioner's conclusion*

22. When, as in this case, the Commissioner receives a complaint that a public authority has not disclosed some or all of the information that a complainant believes it holds, it is seldom possible to prove with absolute certainty that the public authority holds no relevant information. However, as explained earlier in this notice, the Commissioner is required to make a judgement on whether the information is held on the civil standard of the balance of probabilities.
23. Based on the evidence available to her the Commissioner is satisfied that the Council carried out adequate searches at the time of the request, which would have been likely to locate any electronic information held falling within the scope of the request. The Commissioner notes that the Council was unable to conduct searches of hard copy information held within its offices at the time of the request due to restrictions in place as a result of the Covid pandemic. However,

once it was able to the Council accessed its offices and disclosed relevant information that it located to the complainant.

24. Based on the searches undertaken and the other explanations provided the Commissioner is satisfied that on the balance of probabilities, the Council does not hold any further recorded information relating to the request, other than that which it has disclosed prior to and during her investigation.

### **Section 10 – time for compliance**

25. Section 10(1) of the FOIA requires that a public authority complies with section 1(1) promptly and in any event not later than 20 working days following the date that a request was received. Section 1(1) states that a public authority should confirm whether it holds relevant recorded information and, if so, to communicate that information to the applicant.
26. In this case the request was submitted on 12 June 2020. The Council provided some information relevant to the request on 29 June 2020 and 6 August 2020. The Council also disclosed additional information it identified during the Commissioner's investigation. As the Council failed to comply with section 1(1)(b) within the required timescale it breached section 10(1) of the FOIA.

## Right of appeal

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27. 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: 0203 936 8963

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)

28. 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.
29. 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 .....**

**Joanne Edwards**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**