

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 November 2022

Public Authority: Aldenham Parish Council
Address: 1st Floor
The Radlett Centre
1 Aldenham Avenue
Radlett
Hertfordshire
WD7 8HL

Decision

1. The complainant requested information from Aldenham Parish Council ("the Council") relating to contracts awarded to companies owned by a specific individual.
2. The Commissioner's decision is that on the balance of probabilities, the Council has disclosed all the information it holds within the scope of the request.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. The complainant made the following information request to the Council on 23 February 2022:

"I have previously asked you to provide me with details of the [company name redacted] and their involvement/appointment for works on behalf of APC.

In my email dated 07/11/18 I requested any tender that they had been awarded in the previous 4 years specifically, but also in general and on 04/12/18 you replied 1 contract only which was the Allotment Track .

With this in mind and seeing as it was a FOI request it is expected to be answered not only correctly but with full knowledge . Can you please confirm this is the case as Data Protection Officer I presume this is your jurisdiction."

5. The complainant wrote to the Council again on 25 February 2022 to clarify their request. The complainant stated the following:

"Thank you so can you confirm then that [name redacted] as a contractor or any of their associated companies have only ever won 1 tender for work with APC within the last 8 years and that was the Allotment Track?"

6. The Council responded on 23 March 2022. It stated that it had only awarded one contract to a company owned by [name redacted] between 1 February 2014 and 10 March 2022.
7. Following receipt of the Council's response to their request, the complainant requested an internal review.
8. The Council provided the complainant with the outcome of its internal review on 29 April 2022. The Council stated that it had not provided the complainant with all the information held within the scope of the request. It stated that it would provide the complainant with further information within the scope of the request within 10 working days.
9. The Council provided the complainant with further information within the scope of their request on 16 May 2022. Specifically, the Council provided the complainant with information relating to eight contracts awarded to a company owned by [name redacted]. The Council considers that it has now provided the complainant with all the information it holds within the scope of the request.

Reasons for decision

10. This reasoning covers whether the Council is correct when it says that it has disclosed all the information it holds within the scope of the request.
11. The complainant considers the Council to hold further information within the scope of the request. In their complaint to the Commissioner, the complainant explained that they were initially informed that only one contract had been awarded to a company owned by [name redacted]. However, the Council later changed its position stating that eight contracts had been awarded to a company owned by [name redacted]. The complainant considers that this suggests that the Council is deliberately withholding information and that it may hold further information within the scope of their request which has not been disclosed.
12. The Council considers that it has disclosed all the information it holds within the scope of the request. In its internal review response, the Council explained why it originally stated that it had only awarded one contract to a company owned by [name redacted] but later provided details of eight contracts awarded to a company owned by [name redacted].
13. The Council explained that as the request asked for information relating to the number of 'tenders' awarded to companies owned by [name redacted], it initially only provided information relating to the one contract that exceeded the value of £25,000 as it considered the term 'tenders' to refer to contracts that exceed the value of £25,000. The Council did not originally consider information relating to minor contracts that cost less than £25,000 to fall within the scope of the request.
14. However, the Council explained that upon review, it considers information relating to all contracts awarded to companies owned by [name redacted], that being contracts which exceed the value of £25,000 and contracts that do not exceed the value of £25,000 to fall within the scope of the request. The Council has disclosed information relating to eight contracts awarded to a company owned by [name redacted].
15. The Commissioner does not consider the Council's change of position following its internal review to suggest that further information within the scope of the request is held by the Council.
16. Based on the information provided by the Council in its internal review response, the Commissioner is satisfied that the Council has identified all the information it holds within the scope of the request. Therefore,

the Commissioner's decision is that on the balance of probabilities, the Council does not hold further information within the scope of the request.

Right of appeal

17. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

18. 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.
19. 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

Daniel Perry
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF