

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

### **Decision notice**

**Date:** 26 November 2022

**Public Authority:** Legal Services Agency Northern Ireland  
**Address:** 3<sup>rd</sup> Floor, AIB Building  
92 Ann St  
Belfast  
BT1 3HH

### **Decision**

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1. The Commissioner's decision is that, on the balance of probabilities, Legal Services Agency Northern Ireland does not hold the requested communications and complied with section 1 of FOIA.

### **Request and response**

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2. The complainant made the following information request to Legal Services Agency Northern Ireland (LSANI) on 21 March 2022:

"We refer to the above. [Redacted] has stated the following in pleadings in an ongoing Chancery Action in the High Court;

".....(fees billed but not yet paid by LSA , as at 31 December 2018), is £46,447.31, as received from the Chief Executive of LSA..."

We require sight of exactly what was sought by, and provided to [redacted] and would be obliged if this could be provided forthwith."

3. LSANI's final position was that it did not hold the requested information.

## Reasons for decision

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4. In their complaint to the Commissioner the complainant indicated that they were dissatisfied that LSANI had "provided sensitive and confidential material to a third party" and should provide copies of what was provided. The Commissioner does not accept data protection (DP) complaints that are essentially business to business matters. This is because there is a right for an individual to raise a concern about the processing of their personal data but there is not a right for an organisation to raise a DP complaint about the handling of company information.
5. This reasoning therefore covers whether, on the balance of probabilities, LSANI holds information within scope of the complainant's request and complied with section 1 of FOIA.
6. Under section 1(1) of FOIA a public authority must communicate information to an applicant on request if it holds the information and it is not exempt from disclosure.
7. In its internal review response of 18 May 2022, LSANI advised that there had been some email correspondence with the individual named in the request. LSANI advised that "transient" emails are automatically deleted after three months. The individual at LSANI who had corresponded with the individual referred to in the request confirmed they had corresponded from their LSANI email account. They had searched their emails and there were no emails to or from that individual on the system. LSANI went on to advise that the exchanges were not saved to the system. This was because, at the time there was no clear business need to retain the emails and to do so, in the absence of a clear need, could constitute a breach of the data protection legislation.
8. In the absence of any evidence to suggest otherwise, the Commissioner accepts LSANI's position. It is usual and proper that, if there is no business need to retain it for longer, email correspondence is retained only for a short period. Three months in this case is reasonable. The request was submitted in March 2022 and LSANI thought, from memory, that the correspondence had taken place in 2020. As such the email correspondence would no longer be held on LSANI's system.
9. The Commissioner is also satisfied that LSANI identified the appropriate individual who may have corresponded with the individual referred to in the request and he accepts that they have carried out an appropriate search for any relevant information.

10. The Commissioner's decision is that, on the balance of probabilities, LSANI does not hold the information the complainant has requested.

## Right of appeal

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11. 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)

12. 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.
13. 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

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