

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 2 December 2022

**Public Authority:** West Sussex County Council

**Address:** County Hall  
West Street  
Chichester  
PO19 1RQ

### **Decision**

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1. The complainant requested information from West Sussex County Council ("the Council") relating to an inspection that took place on a specific road.
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

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4. On 13 May 2022, the complainant's MP submitted the following information request to the Council on behalf of the complainant:

"We have had a further approached by our constituent, [name and address redacted] regarding the flooding/drains [address redacted].

[Name redacted] was delighted to have on site "Drainline" who he tells me has made improvements to some of the pipework/drainage on his road.

Please may we have clarity to the brief given to Drainline and will you share the report of the findings and work completed on [road name redacted] on 19<sup>th</sup>/20<sup>th</sup> April 2022. So we may share this with our constituent for his records."
5. The Council responded on 16 June 2022 and provided the complainant with information within the scope of their request.
6. On 3 August 2022, the complainant requested an internal review. The Council provided the complainant with the outcome of its internal review on 30 August 2022 in which it disclosed further information within the scope of the request.

## Reasons for decision

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7. 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. As the complainant has requested information relating to drainage works, the Commissioner considers that the requested information is likely to be environmental and therefore, he considers the request to fall under the EIR.
8. The complainant considers the Council to hold further information within the scope of their request. In their complaint to the Commissioner, the complainant stated that during Drainline's inspection of [road name redacted] on 19 and 20 April 2022, they witnessed a report being created. The complainant believes that this report would be similar to another report dated 6 August 2021 which was created by Drainline following an inspection of [road name redacted]. However, the complainant stated that a report similar to the report dated 6 August 2021 has not been disclosed in response to their request.

9. The Council considers that it has disclosed all the information it holds within the scope of the request. In its submissions to the Commissioner, the Council explained that information within the scope of the request is held on both its Confirm system which is used to record information relating to jobs, and its Kaarbontech asset data system which is used to record information relating to Drainline. The Council explained that it has conducted a search of both systems and has disclosed all the information that was located as a result of these searches.
10. The Council explained that when searching for information within the scope of the request, it consulted the individual who commissioned the works which took place on [road name redacted] on 19 and 20 April 2022. That individual undertook a search of their email account for information within the scope of the request and confirmed that a report similar to the report dated 6 August 2021 does not exist.
11. The Council explained that it does not hold a report that was created following Drainline's inspection of [road name redacted] on 19 and 20 April 2022 as Drainline was not required to create a report when it carried out the inspection. The Council also stated that it does not hold any other information that outlines Drainline's findings from their inspection on [road name redacted] except that which has already been disclosed to the complainant.
12. The Commissioner accepts the Council's reasoning for not holding a report relating to the Council's inspection of [road name redacted] on 19 and 20 April 2022.
13. The Commissioner considers that the Council has carried out adequate searches for information within the scope of the request. Therefore, his decision is that on the balance of probabilities, the Council does not hold further information within the scope of the request and so the exception provided by regulation 12(4)(a) (information not held) is engaged.
14. As no further information has been found to be held, the Commissioner can only find that the public interest in maintaining the exemption at 12(4)(a) of the EIR outweighs any public interest in disclosure, simply because there is no further information to disclose.

## Right of appeal

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15. 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)

16. 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.
17. 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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**