

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 December 2022

Public Authority: Maritime and Coastguard Agency
Address: 105 Commercial Road
Southampton
SO15 1EG

Decision (including any steps ordered)

1. The complainant has requested the Maritime and Coastguard Agency (the MCA) to disclose complete copies of the Module B certificates and all secondary module certificates that are required by the Recreational Craft Directive (RCD) for the Clipper 70 Yachts. The MCA disclosed the recorded information it holds but the complainant disputes that there is more.
2. The Commissioner's decision is that on the balance of probabilities the MCA has disclosed all the recorded information it holds to the complainant. No further recorded information falling within the scope of the complainant's request is therefore held.
3. The Commissioner does not require any further action to be taken.

Request and response

4. On 1 April 2022, the complainant wrote to the MCA and requested information in the following terms:

"I am requesting complete copies of the Module B certificates and all secondary module certificates that are required by the Recreational Craft Directive (RCD) for the Clipper 70 Yachts."

5. The MCA responded on 3 May 2022, disclosing the Recreational Craft Directive Certificate and corresponding report for the Clipper 70 Yachts.
6. The complainant requested an internal review on 18 May 2022. They stated that the disclosed information appears to be the third iteration of the Module B certificate. They confirmed that information obtained from a previous request indicated that the MCA holds a first and second iteration. They said that the manufacturing Declaration of Conformity certificates, required by the RCD, one for each of the vessels, are also missing.
7. The MCA carried out an internal review and notified the complainant of its findings on 17 June 2022. It disclosed some additional information it obtained from the Notified Body.

Scope of the case

8. The complainant contacted the Commissioner on 15 August 2022 to complain about the way their request for information had been handled. They believe the MCA holds further recorded information.
9. The Commissioner has obtained additional submissions from the MCA and he is satisfied that on the balance of probabilities no further recorded information is held. The following section of this notice will explain why.

Reasons for decision

10. The complainant said that the Type Examination Certificate issued appears to be the second iteration of the Module B certificate. Information obtained from a previous request suggests that there is a first iteration of the certificate dated 30 October 2012. They said that they specifically requested the first and second iteration of these certificates and have only received the second. They also advised that the manufacturing Declaration of Conformity certificates, required by the RCD, one for each of the vessels, are also missing.
11. The MCA provided further copies of the certificate issued on 30 October 2012 (first iteration) and 2 October 2014 (second iteration). With regards to the manufacturing Declaration of Conformity certificates, it confirmed that it has disclosed all the recorded information it holds. It does not hold anything further and informed the complainant that there is no requirement for an RCD Declaration of Conformity certificate for

each vessel, as the vessels were assessed under RCD Module B (type approval) and not on an individual vessel basis.

12. The complainant maintained that there are three iterations of the Module B certificates and they had still not received iteration one. With regards to Declaration of Conformity certificates, they referred the MCA to Article 8(2)(ii) in the 2033/44/EC RCD Directive which was in force at the time the boats were built and which details the procedure for all Category A boats.
13. The MCA confirmed that when it obtained the complainant's initial request it retrieved all the recorded information held by the nominated body and provided this in its responses to the complainant. In doing so it referred to the ICO's guidance in conducting searches for information. It concluded that it does not hold any further recorded information to that already provided or any further information about the build or RCD compliance of these vessels.
14. In its submissions to the Commissioner the MCA stated that it has carried out thorough searches of both electronic and paper records, in addition to the vessel files it requested from the Certifying Body. It also contacted the nominating body responsible for issuing certificates. Everything that it holds was communicated to the complainant on 17 June 2022.
15. When the complainant challenged it further on 4 July 2022 and said that information was still missing, the MCA contacted the nominating body again and asked it to check its records a further time. No additional information is held.
16. The Commissioner is satisfied that on the balance of probabilities the MCA does not hold any further recorded information to that already disclosed to the complainant. It has engaged with the complainant over their ongoing concerns and undertaken fresh searches and enquiries each time, paying particular attention to the ICO's guidance on conducting searches for recorded information.
17. It is understood that the complainant believes the MCA should hold additional information and believes an earlier information request supports that; the complainant has made the MCA aware of this supporting evidence. Yet, despite further searches and enquiries it has not identified any further recorded information it holds falling within the scope of the complainant's request and this is the position it has also communicated to the Commissioner.

Right of appeal

18. 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

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

19. 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.
20. 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

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