

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 24 January 2023

Public Authority: London Borough of Hillingdon
Address: Civic Centre
High Street
Uxbridge
Middlesex
UB8 1UW

Decision

1. The complainant requested information from the London Borough of Hillingdon ("the Council") relating to inspections, incidents and repair works carried out on particular areas of road.
2. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold further information 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 29 July 2022 (numbering added by the Commissioner):

"Please supply the data that you hold about me that I am entitled to under data protection law and freedom of information requests relating to: my claim Ref: [REDACTED]"

 1. emails or communication or records originating from 'London Borough of Hillingdon' and 'Gallagher Bassett' where I am identified or referred to (from 1 April 2022 to 4th July 2022)

2. emails or communication or records originating from 'London Borough of Hillingdon' and „Gallagher Bassett' where my vehicle [REDACTED] is identified or referred to (from 1 April 2022 to 4th July 2022)
 3. Audio or transcript of my telephone with [REDACTED] from London Borough of Hillingdon relating to my claim.
 4. ANPR on A408 Stockley Road records for the above registered vehicle on Friday 1 April 2022.
 5. CCTV camera footage of the vehicle [REDACTED] captured on A408 Stockley Road Southbound bound between Stockley Close southbound on A408 Stockley Road to Eastbound entry onto M4 (Junction 4) between 5am and 6am on Friday 1 April 2022.
 6. Inspection records for the A408 Stockley Road between Southbound between Stockley Close and Eastbound entry onto M4 (Junction 4) between 1 March 2022 and 30 April 2022.
 7. Method of inspections for the A408 Southbound between Stockley Close and Eastbound entry onto M4 (Junction 4) between 1 March 2022 and 30 April 2022.
 8. Details of all defects and incidents reported for the Southbound A408 between Stockley Close and Eastbound entry onto M4 (Junction 4) between 1 January 2022 and 30 April 2022.
 9. Details, scale and dates of the remedial repair work that has been undertaken on the A408 Southbound between Stockley Close and Eastbound entry onto M4 (Junction 4) between 1 February 22 to 30 June 2022.”
5. The Council responded on 1 August 2022 advising that the first five items of the request were being handled separately as a subject access request. It provided some information concerning items six and seven but advised that for items eight and nine, there had been no incidents or repair work carried out. The Council explained that the requested information concerned some areas of road that were not the responsibility of the Council, and it therefore advised that no further information was held within the scope of the request.
 6. On 1 September 2022, the complainant requested an internal review. The Council provided the complainant with the outcome of its internal review on 14 October 2022 in which it upheld its original response.

Reasons for decision

7. This reasoning covers whether the Council holds further information within the scope of the request. For the avoidance of doubt, this notice does not consider any part of the response issued under the subject access regime.
8. The complainant considers that the Council has not correctly identified and provided information for the area of road specified in the request. The complainant is of the opinion that the Council omitted this information to avoid liability for the complainant's ongoing claim.
9. The Council maintains that it has provided all of the information it holds within the scope of the request and that it does not have responsibility for all of the areas of road included in the request.
10. The Council provided the complainant with a map showing its areas of responsibility for roads and suggested that the complainant could make a request to Highways England for the desired information.
11. The Commissioner accepts the Council's reasoning for not holding further information within the scope of the request. The Commissioner notes that the Council has tried to signpost the complainant to an organisation that may hold the requested information. 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 and so the exception provided by regulation 12(4)(a) (information not held) is engaged.
12. Whilst regulation 12(4)(a) is subject to the public interest test as specified in regulation 12(1)(b), as no further information has been found to be held, the Commissioner can only find that the public interest in maintaining the exception at 12(4)(a) of the EIR outweighs any public interest in disclosure, simply because there is no further information to disclose.

Other Matters

13. The Commissioner notes that the Council has handled the request under FOIA but considers the EIR to be the most appropriate access regime for this kind of request.

Right of appeal

14. 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

15. 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.
16. 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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF