

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 June 2023

Public Authority: Great Waldingfield Parish Council
Address: parishclerk.gwpc@greatwaldingfield.uk

Decision (including any steps ordered)

1. The complainant has requested information about a variety of topics relating to Great Waldingfield Parish Council (the Council). The Council disclosed some information in response to the request.
2. The Commissioner's decision is that, on the balance of probabilities, the Council holds no further recorded information within the scope of the request.
3. The Commissioner does not require the Council to take any further steps on this matter.

Request and response

4. On 31 December 2022, the complainant wrote to the Council and requested information in the following terms:

"Slide Problem

1. Please email me all correspondence relating to this statement in your December meeting minutes 'The Council noted that play suppliers cannot seem to source longer slide.' (Item 14b). Please include all emails from play equipment suppliers to your requests for a long embankment slide (same length as previous slide).

2. Please clarify, why did Great Waldingfield Parish Council replace the long slide on the mound in the village playground, with a short slide?

3. Please clarify, will the long slide on the mound in Great Waldingfield Playground be reinstated by th Parish Council any time soon? If not, why not?

Action Plan

4. What are the Great Waldingfield Parish Council's objectives for the current year (2022/2023)?

5. What are the Great Waldingfield Parish Council's planned actions?

6. What is the timetable for action and review?

Kindly note, these Action Plan queries are driven by expectations set in Quality Gold criteria for NALC's Local Council Award Scheme (LCAS). I note that the above information cannot be located in the Business Plan document on your website.

Assets Register

7. Is GWPC a Trustee of any of the assets listed on GWPC's Assets Register? e.g. the land and property excluded from the AGAR fixed assets calculation Village Hall, Woodland)?

8. If so, please would you provide me with a copy of the Trust Deeds.

9. Why is there a Great Waldingfield Parish Council laptop in [redacted] home?

GDPR Problem

Following my email dated 7 October 2022:

You recently emailed people I have copied into my correspondence (local electors and my colleagues), to ask them if they gave me consent to copy them into my correspondence. For example:

'[redacted]... copied you into recent emails. I just wonder, did you give your consent for this...

10. Why are you asking people about me and consent?

11. You have also forwarded your enquiry about me and consent to [redacted], noting 'This is for your information and interest.' Why did you do this?

12. What is your lawful basis for processing my data in this way?

Ground Maintenance Problem

Following up my email dated 27th September 2022:

13. Has Great Waldingfield Parish Council considered my query regarding making contact with a Community Self-Help Officer, through Great Waldingfield Parish Council, as suggested by [Redacted] at Suffolk County Council? If not, why not?

14. If so, what was the outcome?"

5. The Council responded on 19 January 2023. It provided some information within the scope of the request.
6. Following an internal review the Council wrote to the complainant on 21 February 2023. It provided some further details and clarity relating to the information which it had previously disclosed.

Scope of the case

7. The complainant initially contacted the Commissioner on 24 January 2023 to complain about the way their request for information had been handled, at which point the Council had not yet provided its internal review outcome.
8. After receiving the internal review outcome the complainant wrote to the Commissioner again on 23 February 2023 as they remained dissatisfied with the Council's response. Specifically, they considered that the Council had not properly addressed any of the 14 points within the request, apart from question number 9.
9. The Commissioner therefore considers the scope of his investigation to be to determine whether the Council has met its obligations under section 1 of FOIA for the remaining 13 questions.

Reasons for decision

10. Section 1(1) of FOIA states that any person making a request for information to a public authority is entitled –
 - (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

- (b) if that is the case, to have that information communicated to him.
11. FOIA provides a right of access to recorded information which is held by a public authority at the time when it receives the request; this does not extend to the right to ask questions, explanations, clarification of information or to debate the contents of information unless the answer to those questions, requests for explanation or clarification is already held by the public authority in recorded form.
 12. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal (Information Rights) decisions, applies the civil standard of the balance of probabilities.
 13. With regard to questions 1, 2 and 3 about the replacement of the slide in the local playground, the Council confirmed that all recorded information is contained within the Council's meeting minutes, with the most recent at the time of the request being item 14b from the meeting on 19 December 2022. The Commissioner is satisfied that the complainant already had access to this information as they referenced it within question 1 of the request. It is also reasonably accessible to the general public via the Council's website, therefore the Council was not obliged to disclose it in response to this request, in accordance with section 21 of FOIA. The Council explained that its Sports and Recreation Working Party liaised with play suppliers via telephone regarding quotes for replacement equipment, therefore they do not hold those conversations in recorded form.
 14. The Commissioner is satisfied that at the time of the request the Council held no further information in recorded form regarding the replacement slide. As FOIA does not oblige a public authority to provide information or explanations which it doesn't hold in recorded form at the time of receiving the request for information, the Commissioner is further satisfied that the Council has complied with its obligations at section 1(1) of FOIA for parts 1, 2 and 3 of the request.
 15. With regard to questions 4, 5 and 6 about the Council's action plan for 2022-2023, the Council directed the complainant to the Community Action Plan/Business Plan for 2021-2024 and explained that some of the key objectives and projects do not have specific timeframes but will fall within the date of the plan. The Action Plan/Business Plan for 2021-2024 is reasonably accessible to the general public via the Council's website, therefore the Council was not obliged to disclose it in response to this request, in accordance with section 21 of FOIA. The Council further explained that it reviews its policies and procedures each May, with the

next review being due in May 2023 by what will then be the newly elected Parish Council following local elections.

16. The Commissioner is satisfied that any objectives or planned actions are contained within the broader Business Plan for 2021-2024, and the Council does not hold a separate document which sets out its objectives solely for 2022-2023.
17. With regard to questions 7 and 8 about the Council's asset register, the Council confirmed that four Parish Councillors are Trustees of the Great Waldingfield Village Hall Management Committee, and that the Council owns the community wood which is managed by a voluntary community group called Branchlines. The Council advised that the complainant would need to contact those organisations directly in relation to accessing a copy of any Trust Deeds.
18. The Commissioner is satisfied that the Council itself does not hold the Trust Deeds sought by the complainant, and that they would be held by the Board of Trustees. Whilst there are some Councillors on the board, this is a separate role from their roles as elected representatives of the Council, therefore any information held by the board is not automatically held by the Council as well.
19. With regard to questions 13 and 14 about the Council making contact with a Community Self-Help Officer (CSHO), the Council confirmed that at that time it did not have a CSHO but that it was a matter which could be looked into at a future Council meeting.
20. The Commissioner is satisfied that as the Council didn't have a CSHO it could not hold any records of making contact with them, nor of the outcome of that contact. The Commissioner finds that the Council does not hold any recorded information within the scope of questions 13 and 14.
21. The Commissioner concludes that, on the balance of probabilities, the Council holds no further recorded information within the scope of the request, and therefore does not need to take any further steps on this matter.

Other matters

22. The Commissioner has not considered questions 10, 11 and 12 as part of this decision. The concerns highlighted within that section of the request have already been addressed by the Commissioner under a separate complaint. That complaint was considered by the Data Protection Complaints team in line with the Data Protection Act 2018

(DPA) and the UK GDPR. The DPA and UK GDPR are the correct legislations for raising concerns about how your personal data has been handled, rather than FOIA.

23. The Commissioner wishes to comment more generally on the Council's engagement with him about this complaint. Whilst he appreciates that Parish Council's are small public authorities with very limited resources to cover all duties, the responsibility still lies with the public authority to satisfy the Commissioner that it has complied with the legislation. Whilst the Commissioner attempts to restrict the information required to that necessary to reach a decision, he expects public authorities to provide clear and comprehensive answers to all of his questions. He shouldn't have to revert back to a public authority on several occasions with the same queries having received only cursory responses. If anything within the Commissioner's correspondence during an investigation is unclear and the public authority therefore feels unable to provide a clear response, it should contact the investigating case officer at its earliest opportunity to discuss the matter further in order that the case can be progressed and brought to a conclusion.

Right of appeal

24. 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

25. 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.
26. 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

Alice Gradwell
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