

**Freedom of Information Act 2000 (FOIA)  
Environmental Information Regulations 2004 (EIR)**

**Decision notice**

**Date:** 1 September 2023

**Public Authority:** Broads Authority  
**Address:** Yale House  
62-64 Thorpe Road  
Norwich NR1 1RY

**Decision (including any steps ordered)**

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1. The Commissioner's decision is that, on the balance of probabilities, the Broads Authority doesn't hold any further information about a Variation Order that the complainant has requested and has complied with section 1(1) of FOIA. To the degree that the requested information could be categorised as environmental information, the Broads Authority has also complied with regulation 5(1) of the EIR.
2. The Commissioner doesn't require the Broads Authority to take any corrective steps.

**Request and response**

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3. The complainant made the following information request to the Broads Authority (BA) on 27 May 2023:

"In 2019, the North Norfolk District Council (Off Street Parking Places)(Variation No.8) Order 2019 came into effect, in order to prevent vehicles from parking on part of Potter Heigham Staithe, introduce a 30-minute loading and unloading period, and a weight limit of 7.5t. The staithe is owned by the Broads Authority and the Order

could not have been applied to the staithe without the consent of the Authority. In respect of the Variation No.8 Order, would you please provide me with: 1. copies of records of all Broads Authority internal memos, discussions, minutes of meetings, emails and any other records relating to the introduction of the Variation Order; 2. copies of records of all communications, by letter, email or any other means, between the Broads Authority and North Norfolk District Council relating to the introduction of the Variation Order. I understand that documents may be redacted to protect personal information.”

4. The BA disclosed some information, and its final position was that it doesn't hold any further relevant information.

### **Reasons for decision**

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5. This reasoning covers whether the BA holds further information within scope of the complainant's request, on the balance of probabilities.
6. Section 1(1) of FOIA requires a public authority to confirm whether it holds information that's been requested and to communicate the information if it's held and isn't exempt from disclosure.
7. Regulation 5(1) of the EIR states that a public authority that holds environmental information must make it available on request if it isn't exempt from disclosure. Regulation 5(1) is the equivalent of section 1 of FOIA.
8. In their complaint to the Commissioner, the complainant has noted that within the information that has been disclosed there are references to other information that hasn't been disclosed - parts of email exchanges. The complainant considers that, given the importance of the arrangement between it and the District Council, it isn't credible that the Broads Authority doesn't hold any this or other information.
9. In its internal review response, the Broads Authority advised that it has a strict document deletion process. For example, two members of staff that the complainant had referred to in their request for a review no longer worked for the Broads Authority and so data on their computer drives would have been deleted.
10. The Broads Authority confirmed that it had conducted a thorough sweep of its retained documents and what it had issued to the complainant represented all the relevant information it held.

11. In a telephone conversation with the Commissioner, and a subsequent submission to him, the Broads Authority explained that the parking enforcement issue at Potter Heigham, which is the context of the request, dates back to 2016 and the key people involved in the decision-making have since left the organisation. The Broads authority confirmed that those individuals' email accounts and data have been deleted, as is standard practice. The Broads Authority also confirmed that the only information it holds is within its electronic and paper archive. It has searched the electronic and paper archive and shared all the relevant information with the complainant.
12. The Commissioner can't consider whether a public authority **should** hold information an applicant has requested, but whether or not it holds this information, on the balance of probabilities.
13. The parking issue in question has been a concern for the complainant since 2016, and the complainant has been corresponding with the Broads Authority about it since then. In the case of this request, the Broads Authority has confirmed that it's searched appropriate areas of the organisation and that its retention schedule mean that other information will have been deleted as normal course of business.
14. The Commissioner sees no reason to doubt the thoroughness of the Broads Authority's searches and considers that the explanation about its retention schedule is perfectly reasonable and indeed, evidence of sound records management. The Commissioner also considers that, since the Broads Authority has re-visited this parking matter more than once in the course of its correspondence with the complainant since 2016, it would have a good idea of what relevant information it holds at this point.
15. The Commissioner's decision is therefore that, on the balance of probabilities, the Broads Authority has disclosed all the relevant information it holds and has complied with section 1 of FOIA. To the degree that the requested information could be categorised as environmental information, the Broads Authority has complied with regulation 5(1) of the EIR.

## Right of appeal

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16. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. 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.
18. 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**