

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 November 2023

Public Authority: Greater London Authority
Address: City Hall
London
SE1 2AA

Decision (including any steps ordered)

1. The complainant has requested information regarding death certificates that mention polluted air. The Greater London Authority ("the public authority") has advised that it does not hold the requested information.
2. The Commissioner's decision is that the public authority does not hold death certificates and, as such, it does not hold the requested information.
3. The Commissioner does not require any steps as a result of this decision notice.

Request and response

4. On 4 April 2023, the complainant wrote to the public authority and requested information in the following terms:

"A Request to see the Apparent Death Certificates that claim that said people died from car Fumes, Need to see the Evidence of all the alleged Deaths that have occurred and the Certification, with the Reason for death, Prove this claimed figure with Evidence."

5. The public authority responded on 5 April 2023. It stated that it is not responsible for the information requested. It advised the complainant that a study conducted by Imperial College would explain the source for the estimates for premature causes of death.
6. Following an internal review the public authority wrote to the complainant on 5 April 2023. It stated that it maintained its position and provided a link to a landmark case for the first case of air pollution being listed on a death certificate.
7. During the Commissioner's investigation, the public authority decided that it was going to review the request and its responses.
8. On 23 October 2023, the public authority provided the complainant with a new response to their request, which advised that it does not hold death certificates, along with explaining how causes of death are recorded.
9. Following an internal review the public authority wrote to the complainant on 10 November 2023, and explained that it does not hold the requested information.

Scope of the case

10. The Commissioner considers that the scope of his investigation is to determine whether the public authority holds the requested information.

Reasons for decision

Section 1 – general right of access

11. Section 1(1) of FOIA provides 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.
12. FOIA provides a right of access to information which is held by a public authority in recorded form at the time when it receives the request. This does not extend to the right to ask questions, or to seek explanations, opinions or clarifications, unless that information is already held by the

public authority in recorded form. Public authorities are not obliged to create new recorded information in order to comply with a request.

13. The complainant considers that the public authority has referred to death certificates where individuals have died due to air pollution. They want to see these certificates that have been mentioned by the public authority.
14. The public authority has explained that it commissioned research from the Environmental Research Group at Imperial College London to quantify the health burden of air pollution in London. It explained the findings and also provided a link to the report¹.
15. The public authority also explained that the Office for National Statistics ("ONS") publishes mortality statistics on deaths registered by underlying causes of death.
16. The public authority advised that environmental factors that affect health over a long time, such as air pollution, are not routinely included on death certificates.
17. The public authority went on to explain that it is not required to hold death certificates and, as such, it does not hold them.
18. The public authority has explained to the Commissioner that although it does not hold death certificates, all teams checked to see if any were held. They also spoke with Imperial College London to determine if it holds any death certificates. Imperial College London also confirmed that it does not hold death certificates, nor did it obtain any to inform their research.
19. The public authority went on to advise that air pollution is not a cause of death in ONS data. Therefore, as referred to in the report, deaths associated with air pollution are estimated from studies showing a statistical relationship between changes in levels of air pollution with changes in all-cause mortality. Results from the studies are then used to estimate the contribution of air pollution to deaths for the air pollution levels found in London.
20. The Commissioner has considered the complainant's concerns, along with the public authority's explanations for why the information is not held.

¹ [Health burden of air pollution in London | London City Hall](#)

21. FOIA only looks at information that is held by a public authority. There is no requirement for further information to be created to respond to a request for information. A public authority cannot provide information that it does not hold.
22. The Commissioner is satisfied that the public authority has carried out adequate searches for information, even though it is aware it does not hold death certificates.
23. The Commissioner is therefore satisfied that the public authority does not hold information in relation to the scope of the request and, as such, has complied with section 1 of FOIA. Should the request be considered instead under the Environmental Information Regulations, then the Commissioner considers that the information is not held in accordance with regulation 12(4)(a).

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

Micheal Lea
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