

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 October 2011

Public Authority: Surrey County Council
Address: County Hall
Penryn Road
Kingston upon Thames
Surrey
KT1 2DN

Decision (including any steps ordered)

1. The complainant requested information regarding public libraries in the Surrey area, including staff numbers, stock holding and numbers of users.
2. The Information Commissioner's decision is that Surrey County Council has disclosed all the information pertaining to the request.
3. The Information Commissioner requires no further action to be taken by the public authority.

Request and response

4. On 7 February 2011, the complainant wrote to Surrey County Council (SCC) and requested information in the following terms:
"Statistics on libraries in the county. Including users, issues, book quantities, budgets and staff numbers over a period of time – say 5 or 6 years."
5. SCC clarified the request on 14 February 2011. It asked whether the complainant required statistics for the entire county in total or individual libraries. The complainant confirmed he wanted statistics for individual libraries.

6. On 4 March 2011 SCC provided some information to the complainant concerning stockholding, budgets, and numbers of borrowers and issues.
7. The complainant contacted SCC on 8 March 2011 as some of the information provided either did not span the time frame detailed in the request or did not show figures for the individual libraries.
8. SCC wrote to the complainant on 9 March 2011 and provided pdf documents containing 'registered and active borrowers' information for the years 2005/10, the number of issues 2005/10 and stock figures from the census 2005/09. SCC explained it did not hold library budgets at the level the complainant required, namely for individual libraries.
9. The complainant requested an internal review on 10 March 2011.
10. Following an internal review SCC wrote to the complainant on 12 April 2011. It stated that most of the information had been provided to the complainant and the problems regarding some of the information being omitted for the previous years had been rectified quickly. However, SCC did recommend that information detailing the actual costs incurred by each individual library for the past 5 to 6 years be provided to the complainant. This information was provided on 11 May 2011. It also drew the complainant's attention to information published on the Council's website which underpinned the recent 'Public Value Review' of libraries in the Surrey area.

Scope of the case

11. The complainant contacted the Information Commissioner to complain about the way his request for information had been handled. He did not consider that SCC had provided him with all the information relevant to his request. He also drew the Information Commissioner's attention to the fact that errors in the information provided to him had been found and acknowledged by SCC.
12. The Information Commissioner has only investigated the first part of the complaint, namely whether all of the information held at the time of the request has been provided to the complainant.
13. The Information Commissioner cannot look into the factual accuracy of any information disclosed under the FOIA. The FOIA gives people the right to access official, recorded information held by public authorities. If information held by a public authority is later proven to be inaccurate or to include errors, there is no obligation under the FOIA for this to be investigated or challenged. In this case, if the information held at the

time of the request contained inaccuracies and anomalies of data, then this is what the applicant is entitled to under the remit of the FOIA.

Reasons for decision

14. Section 1 of the 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."

15. SCC provided the Information Commissioner with copies of the information which had been provided to the complainant in response to his request. With regard to each part of the request, the Information Commissioner notes that the following information was disclosed.

- Information requested: *"Statistics on libraries in the county. Including users..."* Information disclosed: 'Borrowers by branch from April 2005 – 2010' and 'Visit statistics by branch 2004 – February 2011.'
- Information requested: *"...issues..."* Information disclosed: 'Issues by branch years 2005 – 2010.'
- Information requested: *"...book quantities..."* Information disclosed: 'Stock holding by branch years 2005 – 2010.'
- Information requested: *"...budgets and staffing numbers..."* Information disclosed: 'Budgets showing staffing, expenditure, income and net spend for individual branches years 2004 – 2010' and 'Library Services Actuals showing staffing, expenditure, income and net spend for individual branches years 2004 – 2010.'

16. SCC confirmed to the Information Commissioner that all of the information held at the time of the request had now been provided to the complainant. After studying the disclosed information, the Information Commissioner considers that the information provided answers the request fully.

17. In the absence of any description from the complainant of the information he believes to be outstanding from SCC or any evidence that more information is held, coupled with the fact that the information

provided appears to answer the request, the Information Commissioner has not taken his enquiries any further.

18. The Information Commissioner considers, that on the balance of probabilities, no further information pertaining to the request is held by SCC. As stated under the scope of the investigation, if the complainant's only concerns relate to the overall accuracy of the information disclosed, the Information Commissioner finds that there is no further action for him to take.

Right of appeal

19. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

20. 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.
21. 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

Jon Manners
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SK9 5AF