

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 December 2013

Public Authority: Department of Energy and Climate Change

Address: 3 Whitehall Place
London SW1A 2AW

Decision (including any steps ordered)

1. The complainant has requested from the Department of Energy and Climate Change ("DECC") all Information Asset Registers ("IARs"), or any information which resembles an IAR, held by the offshore oil and gas environment and decommissioning unit and the licensing, exploration and development unit together with any code sheets or data dictionaries that are used in conjunction with those files. The complainant had previously made a similar request in relation to DECC as a whole. DECC confirmed that it did not hold any further information in relation to the request. The complainant was not satisfied with the response and submitted a complaint to the Commissioner.
2. Additional enquiries were undertaken by DECC but no further information was located. The Commissioner's decision is that further information is not held. He therefore does not require the DECC to take any steps to comply with the legislation.

Background

3. The complainant previously made a request for information to DECC under the FOIA dated 9 August 2012. This request asked for a list of the main or centralised IARs used by DECC or, if a centralised system was not used, a list of all the IARS held by the department.
4. On 7 September 2012 DECC provided a response to the complainant in which it provided him with a register entitled "Information Assets for DECC".

Request and Response

5. On 6 December 2012 the complainant made the following request:
 - 1. Please provide all information asset registers (IARs), or equivalent files, held by the offshore oil and gas environment and decommissioning unit.*
 - 2. Please also provide any code sheets or data dictionaries that are used in conjunction with the files captured in the scope of point 1 above.*
 - 3. Please provide all information asset registers (IARs), or equivalent files, held by the licensing, exploration and development unit.*
 - 4. Please also provide any code sheets or data dictionaries that are used in conjunction with the files captured in the scope of point 3 above."*
6. The request also provided further clarification as follows:

"My request seeks information held in a manner which partially or fully resembles the template IAR provided by OPSI, regardless of whether it is known as an Information Asset Register or not. If you do not hold IARs, please provide any other indexes or registers of information, which fulfill a function similar to that of an IAR. For instance, an index, contents page or summary file for a large database..."
7. The complainant indicated that he was prepared to limit his request if there were cost implications in providing the information and gave guidance as to how he would wish his request to be treated if this issue arose.
8. On 3 January 2013 DECC provided the complainant with a response to his request. It advised that the Offshore, Environment and Decommissioning Unit (OED) and the Licensing, Exploration and Development Unit (LED) did not hold any IARs and that the IAR that did

exist was held by the Infrastructure and Information Services Unit within DECC. It also stated that details of this register were provided to him in response to a previous FOIA request.

9. On 17 January 2013 the complainant advised DECC that he was not satisfied with this response to his request for information and asked for an internal review of the response he had received.
10. On 20 February 2013 DECC provided a response to the request for an internal review upholding its original response. It also provided web links to information published by DECC relating to the two units identified in the request dated 6 December 2012.

Scope of the case

11. On 18 July 2013 the complainant lodged a complaint with the Information Commissioner's Office stating that he was not satisfied with the response he had received to his request. He advised that his intention in making the request was to obtain IARs or any equivalent indexes or registers of information which would perform a similar function to that of an IAR. Further that he was concerned that DECC had adopted too narrow an interpretation of his request both initially at the time of the request and also at the internal review stage. He believed that was not in the spirit of the FOIA.
12. The scope of this case has been to consider whether any further relevant information is held and whether DECC has complied with its obligations under the FOIA.

Definition of an Information Asset Register

13. In his request the complainant referred to information which fulfils a function similar to that of an IAR and which could consist of an index, contents page, summary file or similar. By way of reference he referred to the template IAR provided by OPSI. ("Office for Public Sector Information"). The wording of this template can be found at Appendix A.
14. As part of the enquiries the Commissioner has had to consider the definition of an IAR as the complainant has specifically stated that he wished DECC to look beyond what was specifically named as an IAR within the organisation and to consider any other indexes or registers that perform a similar function.

15. The Commissioner has considered the definition of an IAR by the National Archives.
16. The National Archives' definition is as follows:

"An Information Asset Register is a mechanism for understanding and managing an organisation's assets and the risks to them....should include the links between the information assets, their business requirements and technical dependencies."¹
17. It further states that each asset should have an owner who is responsible for making sure the asset is meeting its requirements and that the risks and opportunities are monitored. The owner need not be the creator, or even the primary user of the asset, but they must have a good understanding of what the business needs from the asset, and what the asset needs to be able to fulfil those requirements. The issue of maintaining and updating the IAR is also considered vital to sustain the usefulness of an IAR.

Reasons for decision

18. Section 1(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."

19. In situations where there is a dispute between a public authority and a complainant about whether the requested information is held, the Commissioner applies the civil standard of the balance of probabilities. The Commissioner must therefore decide whether on the balance of probabilities a public authority holds any information which falls within the scope of the request. In applying this test the Commissioner will consider the scope, quality, thoroughness and results of the searches and other explanations offered as to why the information is not held.
20. DECC has provided the Commissioner with a detailed overview of records management systems of the two units identified in the request and within DECC itself. It has explained the way in which its systems are

¹ <http://www.nationalarchives.gov.uk/documents/information-management/info-asset-register-factsheet.pdf>

used for storage of information (both published and unpublished) and how they are identified in the IAR held by DECC itself. It has explained that the identity of all information assets both of DECC generically and its individual unit parts is fed into a centralised database. It confirmed that this was the IAR which was provided to the complainant in response to his earlier request dated 9 August 2012.

21. It explained to the Commissioner how the two units concerned utilised the DECC information management systems and contributed to the IAR held by DECC. DECC also advised that the person responsible for information management within the organisation had confirmed that DECC does not hold any additional datasets/indices/registers or other datasets which could be construed as performing a broadly similar function as an IAR.
22. In relation to documentation retention DECC has advised that it does not currently have its own records retention/review/destruction policy but follows the procedures adopted by the Department for Business, Innovation and Skills. ("BIS")
23. As part of his investigation the Commissioner has had to consider the nature and scope of the searches undertaken by DECC to ensure that there are no other indexes or databases which could be construed as performing a function comparable to that of an IAR.
24. In its response to the Commissioner DECC has confirmed that electronic searches were carried out of its centralised data management system and also shared drives outside of the centralised system. This has included searching all relevant folders and using specific search terms relating to the term "Information Asset Register", the individual component words, acronyms and related terms which could potentially describe such a register.
25. An email was also sent to all DECC employees within the two units identified in the request asking them to search their personal work computers to identify whether any IARs or equivalent were in their possession or they were aware of such material existing. As a result of these additional searches no further information was located.
26. In relation to the part of the request that dealt with information in relation to code sheets or data dictionaries DECC advised that these were not held as they did not exist and the IAR already provided to the complainant identifies those assets that relate to the OED and LED within DECC.
27. In its response to the Commissioner DECC has maintained that no further information is held. In support of its position it states that an IAR

has to be intentionally created for a specific purpose and that it should not be the case that drives on a system which hold information should become an IAR. It makes the distinction between the indexing of information held in a database as a way of accessing information in a convenient way as opposed to the listing of assets held for the purpose of an IAR.

28. In his submissions to the Commissioner the complainant maintains that he is not satisfied that databases do not exist that perform the function of an IAR. He has argued to the Commissioner that his request dated 6 December 2012 was framed in such a way as to include a broader range of information than that already provided to him. He advised that when a similar request was made to other public authorities he has received contents pages/lists of databases for information systems and believes similar should be provided in this situation.
29. When considering the request the Commissioner has taken into account that one of the key elements in this matter is what the definition of an IAR is. In his initial request the complainant sought to clarify his view of this by providing a definition suggested by OPSI and by indicating within his initial request and at internal review stage that the information he sought should fulfil a function similar to that of an IAR. In doing so the Commissioner is of the view that the complainant has unintentionally restricted the scope of his request as the definition of an IAR is quite specific.
30. In considering this the Commissioner has considered the precise nature of the definition provided by the National Archive. It is clear that an IAR is not simply a list of contents of data held in a certain area on an information management system. If this was the case then all list/indexes of information held by organisations could be considered to be an IAR. The Commissioner is of the view that lists/contents pages are required for all databases to enable day to day navigation around an organisations information base and to allow accessibility and management of the information which is located within it.
31. From the National Archive definition it is envisaged that IARs have a specific function and requirements which go beyond an index or list of contents and will include details as to responsibility and business need. Protocols are also likely to be in place to ensure it is actively managed with specific individuals being assigned responsibility. An IAR is more than a depository for information held by an organisation.
32. In considering the obligations of DECC under the FOIA the Commissioner is mindful that the civil standard of the balance of probabilities has to be applied.

33. The Commissioner has taken into account the explanations provided by DECC as to the searches it has conducted and its view as to what an IAR is; the nature and definition of an IAR and how such information is likely to be recorded; and the information provided to the complainant in response to his previous request. Having done so the Commissioner considers that on the balance of probabilities no further information is held.
34. The Commissioner is therefore satisfied that DECC has met its obligations under the FOIA and requires no further action to be taken.

Other matters

35. The Commissioner notes that the complainant is of the view that DECC interpreted his request in a particularly narrow way. The complainant contends that DECC should operate in a "spirit of openness" and should offer advice and assistance to help a requester achieve their overall purpose in making the request. A particular feature of this matter has been the interpretation of the request by DECC and the intended interpretation of the request by the complainant.
36. The Commissioner's guidance in respect of interpretation of requests states that a public authority should read a request objectively; that is, it should take care not to read into a request any meaning which is not in the plain wording. Where the request is not clear, or can be read in more than one way, the public authority will need to ask the requester for clarification. However, the authority should not try to guess what the requester might want. There is no requirement to seek clarification if the authority is able to comply with the request without further information. It should not provide the requester with the information it thinks they want rather than what the request asks for or try to guess the meaning of an ambiguous request, make assumptions, or attempt to work it out from background knowledge of the requester.
37. In this matter the Commissioner has concluded that the original request by the complainant was very clear. Clarification was provided in the request including specifying what the OPSI guidance was on what an IAR should contain. Whilst appreciating the complainant's overall intention in making his request it would appear that the complainant has unintentionally restricted the scope of his request by providing detailed clarification in his request.

Right of appeal

38. 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: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

39. 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.
40. 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

Rachael Cragg
Group Manager
Information Commissioner's Office
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Wilmslow
Cheshire
SK9 5AF

Appendix A

Template IAR – Office for Public Sector Information

"TITLE: Title of resource, with additional or alternative titles if they exist.

IARN: The IAR Number; a unique number identifying each record. The first part of the number indicates which organisation created the record.

IDENTIFIER: Identifier or acronym by which the resource may be commonly known, or file name with full path.

DESCRIPTION: A description of the information contained the resource. An abstract if the resource is document-like. A content description of visual or other resources.

SUBJECT: Keywords and phrases indicating the subject matter of the resource.

COVERAGE: Geographic area covered by the information in the resource.

DATE: The date on which the resource was created or published.

UPDATING FREQUENCY: For databases etc, to indicate currency.

DATE MODIFIED: The date on which a database or other resource was last updated.

SOURCE: The source(s) of the information found in the resource.

FORMAT: Physical formats of resource. Examples: Book, CD-ROM, Database (Access 97;); Collection of documents (Word 6, 17 files)

LANGUAGE: The language(s) of the resource content.

AUTHOR: Person, group or organisation responsible for the intellectual content of the resource.

PUBLISHER: The office or organisation to be contacted for further information about, or access to, the resource.

RIGHTS: Basic indication of the user's rights to view, copy, redistribute or republish all or part of the information held in the database.

Reference: FS50505493

CATEGORY: A term/terms from the Government Category List (GCL). Users can search for all the records covered by each term from the GCL."