

Freedom of Information Act 2000

Decision notice

Date: 24 February 2014

Public Authority: Law Commission
Address: 1st Floor, Tower
52 Queen Anne's Gate
London
SW1H 9AG

Decision (including any steps ordered)

1. The complainant requested a copy of a report from the Law Commission. The Commissioner's decision is that the Law Commission does not hold the requested information. No further action is required.

Request and response

2. On 8 November 2013, the complainant wrote to the Law Commission and requested information in the following terms:

"There is a Judgment given MFI Furniture Centre Ltd Versus Hibbert (1996) 160 JP 178- Section 20 of the Consumer Protection Act 1987.

You should provide us a with a copy of the Law Report, as we want the High Court Judge to refer our complaints to the Court of Justice of the European Communities in Luxembourg."

3. The Law Commission responded on 20 November 2013. It stated that it did not hold a copy of the relevant law report.
4. Following an internal review the Law Commission wrote to the complainant on 5 December 2013. It confirmed that it did not hold a copy of the report.

Scope of the case

5. The complainant contacted the Commissioner on 6 December 2013 to complain about the way his request for information had been handled as he considers that the Law Commission holds a copy of the requested information.
6. The Commissioner considers the scope of the case to be whether the Law Commission holds the requested information.

Reasons for decision

7. Section 1 of the Act provides that a public authority must respond to a request and confirm or deny whether the relevant information is held. If there is no reason why the information is exempt from disclosure then the public authority must provide the information to the requester.
8. In this instance the Law Commission has denied that it holds the relevant information. However, the complainant considers that the Law Commission does hold the relevant information and that it should be provided to him.
9. 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 might be held, the Commissioner, in accordance with a number of First-Tier Tribunal decisions, applies the civil standard of the balance of probabilities.
10. In its internal review the Law Commission stated that when it moved offices on 1 November 2013 it disposed of its collection of law reports, including the report the complainant had requested. In its submissions to the Commissioner the Law Commission confirmed this was the case. It also stated that it had searched other parts of its records to ensure that another version of the report was not held separate to the collection, and this had not located any relevant information.
11. The Commissioner considers that the Law Commission's explanation is reasonable and he is satisfied that the Law Commission has carried out the necessary searches to identify information relevant to the complainant's request. The Commissioner has seen no evidence to suggest that any relevant information is held. Therefore on the balance of probabilities the Commissioner's decision is that it is unlikely the Law Commission holds the relevant information. No further action is required.

Right of appeal

12. 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: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

13. 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.
14. 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

Alexander Ganotis
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Cheshire
SK9 5AF