

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 September 2016

Public Authority: Dorset County Council

Address: County Hall
Colliton Park
Dorchester
Dorset
DT1 1XJ

Decision (including any steps ordered)

1. The complainant has made a request to Dorset County Council ("the Council") for the identity of a party who purchased specific land from the Council. The Council disclosed information in response, but the complainant contested that the Council had not provided the information that was specifically requested.
2. The Commissioner's decision is that the Council has provided all relevant held information.
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 6 November 2015 the complainant requested information of the following description:

I specifically request to know who acquired field 5165.62 (see attachment) when it was disposed by the Council as part of the Talbot Settlement.

5. On 17 November 2015 the Council responded and provided held information that it considered relevant to the request.
6. On 18 November 2015 the complainant requested an internal review, and disputed that the information provided was not that requested.

7. On 17 December 2015 the Council provided the outcome of its internal review. In this the Council maintained that its original response was correct.

Scope of the case

8. The complainant contacted the Commissioner on 10 January 2016 to complain about the way their information request had been handled, and specifically that the Council had failed to provide the information requested.
9. The Commissioner therefore considers the scope of this case to be the determination of whether the Council has complied with the requirement of section 1(1).

Reasons for decision

Section 1(1) – Whether information is held

10. Section 1(1) provides that, subject to any exemptions or exclusions:

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.*

The complainant's position

11. The complainant's request seeks the identity of the party who purchased specific land from the Council in either 1993 or 1994 (two different dates for disposal are given by the Council's property records, namely 6 April 1993 and 6 April 1994). In response to this request the Council confirmed that the identity of the party was recorded as "The Talbot Marriage Settlement".
12. The complainant believes it is reasonable to conclude that the Council would have a full record of the actual name/s of the purchasing party. As part of his submissions, the complainant has referred to the history of the land, and has seemingly raised concerns about the Council's right to sell.

The Council's position

13. The Council has confirmed to the Commissioner that it holds no other information about the party who purchased the land from the Council.
14. In response to the request the Council has consulted both its Corporate Property database and the original paper deeds that are maintained by the Dorset History Centre. Both of these sources confirm that the land was sold to a party representing themselves as "The Talbot Marriage Settlement". No other information relating to this party is known to be held.

The Commissioner's conclusion

15. The Commissioner must decide on the balance of probabilities whether further information (specifically the personal names of the purchasing party) is likely to be held by the Council.
16. Whilst the Commissioner has noted the complainant's position, there is no evidence to suggest that these personal names are held by the Council. Appropriate searches for the identity of the purchasing party have been undertaken, and the resultant information has been cross referenced with information contained within the paper deeds. Although the Commissioner has considered the history of the land as it has been outlined by the complainant, there are no elements within this that suggest further recorded information must be held in relation to the request itself, and the complainant should note that the FOIA only provides a right of access to information as it is recorded; regardless of any issues of accuracy. The Commissioner would also advise the complainant that any wider concerns about the ownership and sale of the land ultimately fall outside the terms of the FOIA, and therefore the scope of this decision.
17. Having considered the above factors, the Commissioner has concluded that no further information is likely to be held.

Right of appeal

18. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

19. 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.
20. 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

Andrew White
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