

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 May 2017

Public Authority: The Gambling Commission
Address: Victoria Square House
Victoria Square
Birmingham B2 4BP

Decision (including any steps ordered)

1. The complainant has requested information relating to a specific organisation.
2. The Commissioner's decision is that the Gambling Commission (GC) does not hold the requested information.
3. The Commissioner does not require any steps to be taken as a result of this decision notice.

Request and response

4. On 24 October 2016, the complainant wrote to GC and requested information in the following terms:
"Please confirm whether in your files you hold any bank statements concerning [redacted]"
5. GC responded on 24 October 2016 and denied holding the requested information.
6. On 5 December 2016 the complainant responded requesting access to the accounts to confirm GC did not hold the requested information.
7. GC wrote to the complainant on 12 December 2016 declining the request and confirmed it did not hold the requested information.

8. GC provided an internal review on 17 January 2017 and upheld its original position.

Scope of the case

9. The complainant contacted the Commissioner on 16 February 2017 to complain about the way his request for information had been handled.
10. The Commissioner considers the scope of this case to be to determine if GC is correct when it says it does not hold the requested information and that it has complied with its obligations under FOIA.

Background

11. The GC provided some additional background to this request. This background information has been provided in confidence and therefore is not reproduced in this decision notice.

Reasons for decision

Section 1 – general right of access

12. Section 1(1) of the FOIA says that an individual who asks for information from a public authority is entitled to (a) be informed whether the authority holds the information and, (b) if the information is held, to have that information communicated to them.
13. 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.
14. The GC confirmed that the information, if held, would have been collected as part of compliance work undertaken by the GC. It explained that correspondence between the GC and licensed gambling operators is logged against their account on its electronic CRM system. The account was searched and no relevant information was identified.
15. The information that is the subject of the request was not requested or received by the GC. If it had been received it would have been stored on the GC's CRM system. This was checked for the avoidance of doubt as was the shared network drive which the GC has in place for storing

information. Email accounts for relevant staff members were also checked.

16. The term “[redacted] bank statements” and “[redacted] bank statements” were used to search relevant areas. A manual review was also undertaken.
17. The GC further confirmed that if the information were held it would be held as an electronic record. There is no evidence to suggest that the information requested was ever held by the GC.
18. Compliance records relating to a licensed operator are kept for the duration that they hold the licence and an additional five years in case they re-join the industry or any issues subsequently arise which require investigation.
19. The GC stated it had identified the relevant business processes whereby this information would have been collected, if it had been, and it had searched the locations such information would be stored. GC had also spoken to those involved in these business processes and were satisfied that the information is not held.

Conclusion

20. Having considered the background to this case and the response from the GC, it is the Commissioner’s view that, on the balance of probabilities, the GC does not hold the information requested.
21. The Commissioner is satisfied that the GC has carried out adequate searches that would have identified the information, if held. She is therefore satisfied that the GC dealt with the request in accordance with the FOIA and no further action is required.

Right of appeal

22. 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

23. 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.
24. 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

Pamela Clements
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF