

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 31 October 2022

Public Authority: Royal Borough of Greenwich
The Woolwich Centre
35 Wellington Street
London
SE18 6HQ

Decision

1. The complainant asked a series of questions about yellow markings. The Royal Borough of Greenwich ("the Council") provided some information. The Commissioner's decision is that, on the balance of probabilities, the Council disclosed all the relevant information it held within the scope of the request.

Request and response

2. The complainant made the following information request to the Council on 30 January 2022:

"Yellow marks have been painted on the pavement by the blue recycling bins between (address redacted) and nearest to the short wall by (address redacted). They form a large square:

I) When were these yellow marks painted here?

II) Were these marks authorised by the Council and if so by which department?

III) For what reasons specifically are these yellow pavement marks painted here and what will any future works involve? How will any future works in connection with these painted marks affect tenants living in the neighbouring blocks of Woodville and Jervis?

IV) When will any works take place in the future and how long will they last?"

3. The Council answered each point in turn and signposted the complainant to the next steps they could take if they were not satisfied with the response.
4. The requester set out the grounds for internal review, asking a series of further questions which the Council answered again in turn. The final position of the Council is that it has disclosed all information in scope of the request.

Reasons for decision

5. This reasoning covers whether the Council is correct when it says that it has disclosed all information in scope of the request.
6. The Commissioner understands that the complainant's remaining point of contention is that part of the fresh request they made for information when seeking an internal review, has not been answered.
7. When seeking an internal review, the complainant provided commentary on the Council's response stating why they did not consider the works to be necessary. There were also three sentences which were all prefaced with "Question:" and were in bold type.
8. In one of their sections of commentary, the complainant asked how many people had been consulted about the works and how many had requested they be carried out. However, this sentence was followed by "(see below)" and was not emboldened. One of the three sentences in bold type sought information about consultation with residents.
9. Given the way the complainant's request for review was set out, the Council was entitled to consider that the three emboldened sentences, prefaced with "Question:" constituted the specific recorded information that the complainant was seeking. The Council has provided information in response to all three requests and the complainant has not explained why any further information should be held.

10. There is no requirement for the Council to create information in order to answer the requesters questions, their obligation is to supply information they held at the time of the request. The Commissioner is therefore satisfied that, on the balance of probabilities, the Council supplied all the relevant information in scope of the request at the time of the request.

Right of appeal

11. 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@justice.gov.uk

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

12. 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.
13. 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

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF