

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 January 2023

Public Authority: South Somerset District Council

Address: The Council Offices
Brympton Way
Yeovil
Somerset
BA20 2HT

Decision (including any steps ordered)

1. The complainant requested information from South Somerset District Council ("the Council") about the Council's gifts and benefits register from 2018 to 2020. The Council explained that some of the requested information was available online but the rest was not held.
2. The Commissioner's decision is as follows:
 - On the balance of probabilities, the Council holds no further recorded information relevant to the complainant's request and has complied with section 1(1) of FOIA.
3. The Commissioner therefore does not require the Council to take any corrective steps.

Request and response

4. On 9 May 2022, the complainant wrote to the Council and requested information in the following terms:

"Please supply me with complete copies of the South Somerset District Council Gifts and Benefits Registers for years 2018, 2019, 2020 within 28 days of this request either by email response or to the address below."
5. The Council responded to the request on 31 May 2022. It advised that the members register of Gifts and Hospitality are available on its website

but also explained that it only kept information for the current quadrennium i.e. the Council only held information from May 2019 at the time of the request.

6. On 31 May 2022 the complainant argued that the Council's response was incomplete. The complainant said that the Council's response failed to cover members who had recently left in the years specified and then asked that the Council supply information for former members in post from May 2019 to May 2022, which the complainant believes should have been covered in their original information request.
7. The Council addressed the complainant's dissatisfaction with its response, which it treated as a request for an internal review. The Council responded on 6 June 2022 and told the complainant that after further searches relating to former members, no gifts or hospitality had been declared and so no further information relevant to the request was held.

Scope of the case

8. The complainant contacted the Commissioner on 17 June 2022 to complain about the way their request for information had been handled.
9. The Commissioner has considered whether, on the balance of probabilities, the Council holds any more information within the scope of the complainants request and whether it has complied with section 1(1) of FOIA.

Reasons for decision

Section 1(1) FOIA provides 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."

9. The Commissioner has sought to determine whether, on the balance of probabilities, the Council holds the requested information.
10. In the course of the Commissioner's investigation, the Commissioner contacted the Council on 24 November 2022 and asked the Council to

finalise its position provide details of the searches that they have undertaken in relation to the information request by the complainant.

11. The Council explained that its internal electronic systems only allow them to retain data for current Elected Councillors and that all the data within the scope of the complainants information request is stored within their "ModGov" system.
13. The Council explained that no further searches were necessary as it had already searched its "ModGov" database and the requested information had never been stored outside of this system. Therefore, no other information relevant to the scope of the complainants information request is held.
14. On the balance of probabilities, the Commissioner is satisfied that the requested information is not held by the Council as it is reasonable that the Council only stored the requested information within one database that can be accessed using simple search functions and that the Council conducted the relevant searches.
15. The Council has complied with its obligations under section (1)(1)(a) FOIA in this case.

Right of appeal

10. 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: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

11. 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.
12. 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.....

Catherine Fletcher
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