

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 5 January 2023

**Public Authority:** Department for Levelling Up, Housing and Communities

**Address:** Fry Building  
2 Marsham Street  
London SW1P 4DF

#### **Decision (including any steps ordered)**

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1. The complainant requested information about assessments for a job application. The Department for Levelling Up, Housing and Communities (the "Department") disclosed information and confirmed that further information was not held.
2. The Commissioner's decision is that, on the balance of probabilities, the Department has disclosed all the relevant information that it holds and complied with section 1(1).
3. The Commissioner does not require the Department to take any steps.

## Request and response

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4. On 9 May 2022, the complainant wrote to the Department for Levelling Up, Housing and Communities (the "Department") and requested the following information:

*"Levelling-Up Directors Application: I would like to request, in as much detail as can be provided, a copy of the assessment criteria, my assessment score against these criteria, and how my score compared to the other applicants especially those that were taken forward. I would also be grateful if you could provide me with the percentage of existing civil servants as a proportion of the total candidates who applied for the role, that were shortlisted for interview/assessment, and who were successful in being offered the role."*

5. The Department responded and disclosed information to the complainant.
6. The Department's final position is that it has disclosed all the relevant information it holds to the complainant.

## Reasons for decision

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7. The complainant disputes the Department's position that it does not hold further information falling within the scope of the request. Specifically, the complainant considers that further information regarding decisions about the shortlisting of applicants should be held, as should information regarding the "...percentage of existing civil servants as a proportion of the total candidates who applied for the role, that were shortlisted for interview/assessment, and who were successful in being offered the role."
8. This section sets out the Commissioner's conclusions in relation to the Department's position that the information identified by the complainant is not held.

## Section 1(1) – duty to provide information held

9. 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.”

10. In cases where there is a dispute between a complainant and a public authority about the extent of information held, the Commissioner's role is to determine whether, on the balance of probabilities, requested information is or is not held.
11. In this case, the Department has explained that, in relation to the complainant's request for information associated with shortlisting decisions, it does not hold any further recorded information than that which has already been disclosed.
12. When asked for details of the steps taken to establish this, the Department confirmed to the Commissioner that the KIA (Knowledge & Information Access Team) contacted the relevant staff involved in this recruitment round, including HR officials responsible for senior recruitment, performance and talent and asked them to check their records for the requested information which related to the first stage of the sifting process. The Department confirmed that HR officials also contacted the Director for People, Capability & Change and the Department's second Permanent Secretary to check their records for the information. It explained that the information searched comprised networked resources and emails which related to the first stage of the sifting process. If any information additional to that provided had been held, these officials would have a record of it.
13. In relation to the complainant's request for information regarding the percentage of existing civil servants as a proportion of the total candidates who applied for the role, that were shortlisted for interview/assessment, and who were successful in being offered the role the Department has confirmed to the Commissioner that, as the process was incomplete at the time of the request, the information was not held.
14. The Commissioner appreciates the complainant's interest in the information and understands why they might consider that further information should be held. However, in view of the explicit assurances provided by the Department and its explanation of the searches carried out for relevant information, the Commissioner is satisfied that, on the balance of probabilities all relevant information held has been disclosed.
15. The Commissioner has, therefore, concluded that the Department complied with section 1(1).

## **Right of appeal**

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16. 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](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. 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.
18. 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 .....**

**Christopher Williams**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**