

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 January 2023

Public Authority: Security Industry Authority
Address: PO Box 74957
London
E14 1UG

Decision (including any steps ordered)

1. The complainant requested information about an investigation into his company. The Security Industry Authority (the SIA), provided some information, withheld some information under sections 30(1) (investigations) and 31 (law enforcement) and stated other information was not held. The complainant disputed SIA's response to one part of his request that it did not hold any recorded information. The Commissioner's decision is that, on the balance of probabilities, the SIA does not hold the information in question. The Commissioner does not require any steps to be taken.

Request and response

2. On 12 August 2022, the complainant wrote to the SIA and requested information in the following terms:

"[name of company redacted] was reported to SIA between 13th-15th January 2022 for failure to pay their invoice

(reported through the SIA website)

1. Can I ask for details steps [sic] of actions SIA has taken against the [name of company redacted] regarding the above?

2. Can I ask how many SIA employees are the contacts of [name of individual redacted], their positions and which departments are they working within the SIA.

3. What is the Percentage of the ACS company that has the special privileges of having contacts that give them an advantage over other ACs companies?
4. How does SIA as a public body maintain impartiality while allowing some Acs companies to have back route contacts?"
3. The SIA responded on 13 September 2022 and provided general information on investigations in relation to part 1 of the request. The SIA confirmed that it did not release information about specific investigations as such information was exempt under sections 30 and 31 of the FOIA. In respect of parts 2 to 4 of the request the SIA stated that no recorded information was held as no employees were specific contacts of the named individual, no ACS businesses are afforded special privileges of having contacts within the SIA and no ACS businesses have any back route contacts.
4. On 13 September 2022 the complainant requested an internal review in respect of the SIA's position that it did not hold any information relating to part 2 of the request ie that none of its employees were specific contacts of the individual named in the request.
5. The SIA provided the outcome of its internal review in respect of part 2 of the request on 12 October 2022 and upheld its position that no recorded information was held as no employees were direct contacts of the individual in question.

Reasons for decision

6. This reasoning covers whether the SIA has complied with its obligations under section 1 of the FOIA in relation to part 2 of the request.
7. Part 2 of the request was for details of SIA employees who are contacts of a specific named individual.
8. In its internal review response the SIA confirmed that, on receipt of the request, enquiries were made with the relevant departments and officers to establish what information was held relevant to the request. It was established that the company named in the request does not have an allocated Business Relationship Manager as an Approved Contractor. In addition, the Decisions Officer within the ACS Team nor officers working within the Business Standards department had a working relationship with the individual named in the request.
9. The SIA confirmed that the appointed investigator was not a contact of the individual named in the request. Prior to commencing the investigation they had no prior dealings with the individual in question.

The SIA also stated that the investigation into the company was not instigated as a result of any contact, request or direction received from either the individual named in the request, nor another named individual whom the complainant referred to in their internal review request.

10. The SIA also provided the Commissioner with confidential information about the investigation in question. The Commissioner has taken these representations into account in reaching a decision. However, he is unable to refer directly to them in this notice as to do so would put into the public domain details of the SIA's processes and procedures which could hinder its ability to investigate matters.
11. In cases where a dispute arises over the extent of the recorded information that was held by a public authority at the time of a request, the Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the authority to check that the information is not held and he will consider any other reasons offered by the public authority to explain why the information is not held. The Commissioner will also consider any reason why it is inherently likely or unlikely that information is not held.
12. Based on the representations provided by the SIA the Commissioner is satisfied that appropriate searches and consultations were carried out to determine whether information in scope of the request was held.
13. Having considered the circumstances of the case, the Commissioner is satisfied that, on the balance of probabilities, the SIA does not hold any recorded information relating to part 2 of the request.

Right of appeal

14. 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

15. 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.
16. 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

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