

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 January 2023

Public Authority: Newcastle City Council
Address: Civic Centre
Newcastle upon Tyne
NE1 8QH

Decision (including any steps ordered)

1. The complainant requested information relating to a road safety audit. Newcastle City Council (the "council") disclosed the requested information. The complainant considers that the council failed to provide all the information that it holds.
2. The Commissioner's decision is that, on the balance of probabilities, the council holds no further recorded information relevant to the complainant's request and that it has complied with section 1(1) of FOIA.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 5 July 2022, the complainant wrote to the Newcastle City Council (the "council") and requested information in the following terms:

"A copy of Newcastle City Council's submission for a safety audit on the Broadway to Brunton Lane cycle lane scheme."
5. The council disclosed the requested information and its final position is that it holds no further relevant information.

Reasons for decision

6. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
7. In this case the council disclosed emails which it stated constituted its submission for a safety audit of the road in question. The complainant disputes the council's position that it has provided all the relevant held information. The complainant also considers that the council failed to provide any accident data in their response to the request.
8. The council has confirmed to the Commissioner that, on its interpretation of the request, accident data does not fall within scope. It has also confirmed that it does not hold any further information regarding its submission for a safety audit.
9. Having considered the request, the complainant's submissions and the council's position, the Commissioner considers that, on the balance of probabilities, it is likely that the council disclosed all the relevant information that it holds that falls within the scope of the request.
10. The Commissioner has, therefore, concluded that the council complied with section 1(1) of FOIA.

Other matters

11. Although they do not form part of this decision notice the Commissioner would like to raise the matters below.
12. The Commissioner recognises that requests will often appear within correspondence with public authorities relating to other issues and may also refer to previous requests for information.
13. The Commissioner considers that requesters should always try to be clear about the specific information that is being sought and not assume that an authority will be able to deduce this based on previous contact.
14. Clearly, there will be cases where a requester is reliant on the assistance of authorities to identify what is being sought and, in such cases, the duty to provide advice and assistance under section 16 of the FOIA might be relevant. However, where a requester knows exactly what information they are seeking they should specify this to avert potential misunderstanding and to avert the need to submit appeals to the Commissioner.

Right of appeal

15. 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

16. 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.
17. 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