

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 January 2023

Public Authority: Gravesham Borough Council

Address: Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Decision (including any steps ordered)

1. The complainant requested information from Gravesham Borough Council ("the Council") relating to a specific property.
2. The Commissioner's decision is that on the balance of probabilities, the Council does not hold further information within the scope of the request.
3. The Commissioner does not require the Council to take any steps.

Request and response

4. On 21 September 2022, the complainant wrote to the Council and requested information in the following terms (numbering added by the Commissioner):

"My name is [name redacted] and was a tenant in [property address redacted] from 10/02/1986 to 25/04/1999, and would like to put in for a Freedom of Information request please for [1] any complaints about the property, [2] any

repairs and treatments for mould, damp or such like, [3] also was it rebuilt or semi rebuilt at some point?,"

5. The Council denied holding information within the scope of part 1 of the request. In response to part 2 of the request, it provided the complainant with the property's repair history from between 27 January 1998 and 29 December 2022. However, it withheld the dates of the repairs citing section 40(2) (personal information) of FOIA as its basis for doing so. In response to part 3 of the request, the Council stated that the property had not been rebuilt.
6. During the course of the Commissioner's investigation, the Council provided the complainant with further information falling within the scope of the request dating from between 1995 and 1998.

Scope of the case

7. In their complaint to the Commissioner, the complainant stated that they consider the Council to hold further information within the scope their request. The complainant also stated that they do not wish to see personal information. Therefore, it appears to the Commissioner that the complainant is not disputing the Council's application of section 40(2) to some information which falls within the scope of the request.
8. The Commissioner will therefore consider whether the Council holds further information within the scope of the request that has not already been disclosed to the complainant or withheld under section 40(2) of FOIA.

Reasons for decision

The complainant's position

9. The complainant considers the Council to hold further information falling within the scope of his request. In particular, the complainant considers the Council to hold information which dates from when they were a tenant at the property.
10. Furthermore, in their correspondence to the Council, the complainant stated that during their tenancy, they made a number of complaints to the Council about the property. They also stated that they are aware that other tenants have made complaints about the property. The complainant expects the Council to hold information relating to these complaints.

The Council's position

11. In its submissions to the Commissioner, the Council explained that it has conducted a search of its repair system, current tenancy management system, previous tenancy management system and complaints system for information falling within the scope of the request. When conducting its search the Council used the address of the property and the names of previous tenants as search terms. It also used the terms 'mould', 'damp' and 'complaints' as search terms.
12. The Council explained that it has also searched the devices of key personnel within the relevant department, including the emails and electronic files of those individuals, for information falling within the scope of the request. When conducting this search the Council used the same search terms outlined above. The Council confirmed that it has disclosed any information located as a result of these searches to the complainant, with the exception of the information withheld under section 40(2) of FOIA.
13. The Council explained that during the course of the Commissioner's investigation, the Council located further information falling within the scope of the request dating from between 1995 and 1998. This information has been disclosed to the complainant. The Council explained that it did not originally locate this information as it was held in an old electronic filing system which was only found following a conversation with its IT Department. It stated that due to the way the information had been saved and the age of the information, it was not located during the Council's original searches.
14. The Council stated that it does not hold any information within the scope of the request that predates 1995. It explained that in 1995, the Council switched to handling records electronically and any active cases were transferred to an electronic system. The Council stated that any records that were not transferred to the electronic system are no longer held by the Council as it does not hold any manual records.

The Commissioner's position

15. The Commissioner acknowledges that the complainant expects the Council to hold information relating to complaints both he and other tenants made about the property that has not been disclosed to them. He also acknowledges that the complainant considers the Council to hold information dating from the whole of their tenancy at the property.
16. However, the Commissioner is satisfied that the Council has carried out adequate searches for information falling within the scope of the request using appropriate and relevant search terms. He also accepts the

Council's reasoning for not holding any information within the scope of the request that dates from before 1995.

17. Therefore, the Commissioner's decision is that on the balance of probabilities, the Council does not hold further information within the scope of the request.

Right of appeal

18. 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

19. 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.
20. 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

Ben Tomes
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF