

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 April 2024

Public Authority: Royal Borough of Greenwich
Address: 35 Wellington Street, London
SE18 6HQ

Decision (including any steps ordered)

1. The complainant has requested information about consultation on a neighbourhood management project. The Royal Borough of Greenwich ("the Council") provided some information in the scope of the request but stated the remainder was not held.
2. The Commissioner's decision is that on the balance of probabilities, the Council has provided all the information it holds within the scope of the request.
3. The Commissioner does not require further steps.

Request and response

4. On 1 September 2023, the complainant wrote to the Council and requested information in the following terms:

"Please provide me with a list of:

- 1) Charities that have been consulted
- 2) Businesses that have been consulted

regarding the West and East Greenwich neighbourhood management project.

In your response, please advise how these businesses have been consulted.

Please also provide me with copies of (redacted if necessary) feedback received.”

5. The Council responded on 29 September 2024. It stated that all charities and businesses within the area were consulted, but it did not yet hold the feedback as this was still in the process of being gathered.
6. Following an internal review the Council wrote to the complainant on 30 October 2023. It stated that it held no further information within scope of the request and upheld this position.

Reasons for decision

7. This reasoning covers whether, on the balance of probabilities, the Council holds the information the complainant has requested.
8. Under section 1(1)(a) of FOIA a public authority must confirm whether it holds information an applicant has requested. FOIA concerns recorded information only. It does not require a public authority to answer general questions, provide opinions or explanations.
9. In its submissions to the ICO, the Council has stated it does not hold a database of addresses because it contracts a third-party provider to handle large mail-out distributions. In these instances, the Council provides the third-party provider with a map or GPS report indicating the relevant area. This means the Council has no business need to hold business addresses in relation to this campaign, and indeed, it would be inappropriate for them to hold them unnecessarily.
10. The Council has provided documentary evidence of this business arrangement to the Commissioner, and has also confirmed that while the feedback from the consultation is still being collated, this will be published on its website in due course.
11. The Commissioner therefore has no evidence or reason to believe that the Council do hold information within the scope of the request. The Commissioner is not required to prove beyond doubt that the Council do or do not hold information but can only make a decision based on the civil standard of the “balance of probabilities” that information within the scope of the request is more likely than not held.
12. Therefore, the Commissioner’s decision is that on the balance of probabilities, the Council does not hold information within the scope of the request.

Right of appeal

13. 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

14. 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.
15. 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

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