

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 December 2015

Public Authority: Government Legal Department

Address: 1 Kemble Street
London
WC2B 4TS

Decision (including any steps ordered)

1. The complainant has requested certain specified information from the Government Legal Department ("GLD"). The GLD maintains that it has provided her with all the requested information it holds. The complainant disputes this assertion.
2. The Commissioner's decision is that the GLD, on the balance of probabilities, has provided her with all the requested information it holds.

Request and response

3. On 17 April 2014, the complainant wrote to the GLD and requested information in the following terms:
 - A copy of the correspondence between the GLD and Lake Jackson solicitors.
 - How often did Lake Jackson solicitors contact the GLD.
 - Whether the GLD has managed to obtain any more details about the company or any official documents on the company.
4. The GLD responded on 2 May 2014 and purported to provide her with all the requested it held. Following an internal review the GLD wrote to the complainant on 25 July 2014. It stated that its response of 2 May had complied with her request for information.

Scope of the case

5. On 6 October 2014, the complainant contacted the Commissioner to complain about the way his request for information had been handled. In particular she averred that the GLD has not provided her with all the information she had requested. (The Commissioner accepted the case as valid for investigation in January 2015, once he had been provided by the complainant with all the relevant documentation she holds in respect of her request.)

Reasons for decision

6. Section 1(1) of the 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."
7. The GLD maintains that it does not hold any further requested information in addition to that that has already been disclosed to the complainant. In order to assess this assertion the Commissioner put a number of queries to the GLD during his investigation.
 8. The GLD, in reply, explained that it held two relevant paper files. The GLD stated that these files are a definitive collection of the information that the GLD holds on this subject and include a copy of relevant electronic communications. The files were re-checked in order to answer the Commissioner's queries as referred to in paragraph 7 above. The GLD also maintain that no information has yet been destroyed .This accords with its relevant file retention policy (a copy of which was provided to the Commissioner) which dictates that the file is to be retained for 12 years after it is archived.
 9. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of Information Tribunal decisions, applies the civil standard of 'on the balance of probabilities'.

10. The Commissioner accepts that the GLD has recently (once again) searched for the requested information and that those searches have not discovered requested information that has not previously been supplied to the complainant. Additionally there is nothing to suggest that the GLD has been haphazard in the way it has collated and stored relevant information. The Commissioner is also conscious that the complainant has offered no arguments to support her allegation that more information was held.
11. Having regard to these factors the Commissioner, on the balance of probabilities, accepts the assertion that the GLD has provided the complainant with all the requested information it holds.

Right of appeal

12. 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: 0300 123 4504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. 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.
14. 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

Alexander Ganotis
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF