

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 16 August 2022

**Public Authority:** Potto Parish Council  
[pottopc@btinternet.com](mailto:pottopc@btinternet.com)

### Decision

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1. The complainant has requested explanatory information to substantiate an 'information not held' response provided by Potto Parish Council in response to a previous request for information. The Commissioner's decision is that, on the balance of probabilities, Potto Parish Council does not hold the requested information.

### Request and response

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2. The complainant made the following information request to Potto Parish Council on 22 February 2022:

"I suggest that an alternative response could be something like "Potto council does not hold ANY information of any type about trustees of the village hall", but such a response would ONLY be adequate where this statement is accompanied by new information to explain this status. For the avoidance of doubt, any vague suggestion that the requested trustee information may not be available cannot be accepted as valid, without reference to the contrary evidence which states that the information is held, as per the examples in the Minutes presented in this letter. Explanatory information to substantiate an 'information not held' response could include, for example, that "all the trustee information recorded as held in the council's published records over several years was [lost, transferred, destroyed, stolen]", together with a date and summary details (ie, recorded information) of this dumbfounding event. I request this supplementary information now, under the FOIA, if you again claim that no trustee information is currently held by the council."

3. The final position of Potto Parish Council is that it does not hold any information or supplementary information relating to Potto Village Hall or the Trustees.

### **Reasons for decision**

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4. This reasoning covers whether Potto Parish Council is correct when it says that it does not hold the information the complainant requested.
5. The Commissioner understands that the request in this case is asking for explanatory information to prove that Potto Parish Council does not hold the information requested in a previous request for information. A decision notice<sup>1</sup> was issued by the Commissioner in relation to this previous request concluding that, on the balance of probabilities, Potto Parish Council does not hold any information in relation to the previous request.
6. In this case there is no requirement for Potto Parish Council to hold the explanatory information or any good reason to expect that Potto Parish Council would hold information to explain why the other information is not held. The Commissioner is therefore satisfied that, on the balance of probabilities, the Parish Council does not hold the requested information.

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<sup>1</sup> <https://ico.org.uk/media/action-weve-taken/decision-notices/2022/4019456/ic-92577-b2d6.pdf>

## Right of appeal

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7. 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 1234504

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

8. 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.
9. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**