

Information Commissioner's Office (ICO) published decision notice

City of York Council - 16 May 2022, Local government

The complainant has requested information held by City of York Council (the council) relating to the legal status of a particular road.

The council refused to provide the information requested, citing regulation 13 – personal information, regulation 12(5)(b) - course of justice, and regulation 12(5)(f) - interests of the information provider, of the EIR. During the Commissioner's investigation, the council stated that it also considered regulation 11(4)(b) – manifestly unreasonable, of the EIR, to be engaged.

The Commissioner finds that the council has failed to demonstrate that any of the exceptions cited are engaged in respect of part 1 of the request.

The Commissioner is satisfied that the council is entitled to rely on regulation 13 when withholding all the information relevant to part 2 of the request (with the exception of that information which also relates to part 1 of the request).

With regard to part 3 of the request, it is the Commissioner's decision that the council has breached regulation 9 of the EIR, as it failed to ensure that it had obtained an objective reading of this part of the request.

The Commissioner also finds that there has been a breach of regulation 14(2) of the EIR, as the council failed to issue a refusal notice within 20 working days.

The Commissioner requires the council to release the information relevant to part 1 of the request and contact the complainant to seek clarification of part 3 of the request.

EIR 11(4):	Complaint upheld
EIR 14(2):	Complaint upheld
EIR 9:	Complaint not upheld
EIR 12(5)(b):	Complaint upheld
EIR 13:	Complaint not upheld
EIR 12(5)(f):	Complaint upheld

The full decision notice can be found at [ic-84867-h4v1.pdf \(ico.org.uk\)](#)