

Audit and Governance

Information Governance Report – 6th December 2017

Information Commissioner's Office – published decision notices for City of York Council

17 October 2017, Local government (City council)

The complainant has requested a report done on behalf of the council by PriceWaterhouseCoopers. The council said that it does not hold a copy of the final copy of the report, but said that it had found a draft copy of a presentation linked to the report. Its initial argument was that this information had not been requested by the complainant, but in the event that the Commissioner disagreed with this it argued that section 36(2) would be applicable. The Commissioner's decision is that council was correct to apply section 36 to the information however the public interest in the exemption being maintained does not outweigh that in the information being disclosed. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation: To disclose the withheld information to the complainant.

FOI 36: Upheld

[Decision notice FS50654131](#)

[PDF](#)

27 April 2017, Local government (City council)

The complainant made a request to the Council for all correspondence from officers and councillors relating to the Groves chapel planning applications. The Council refused to comply with the request under regulation 12(4)(b) EIR. The Commissioner's decision is that the Council has dealt with this request under the correct access regime and that it correctly applied regulation 12(4)(b) EIR to the request. It also complied with regulation 9 in the handling of this request. The Commissioner requires no steps to be taken.

EIR 2(1): Not upheld EIR 9: Not upheld EIR 12(4)(b): Not upheld

[Decision notice FS50660599](#)

[PDF](#)

28 March 2017, Local government (City council)

The complainant has requested a transport appraisal relating to the development of a site in the centre of York. The Council refused the request under regulation 12(4)(d) – material in the course of completion. The Commissioner’s decision is that the exception is engaged and can be maintained in the public interest. The Council is therefore entitled to rely on regulation 12(4)(d) to refuse the request. The Commissioner does not require the public authority to take any further action in this matter.

EIR 12(4)(d): Not upheld

[Decision notice FER0637691](#)

[PDF](#)

27 March 2017, Local government (City council)

The complainant has requested information relating to the processing of FOIA requests. The City of York Council (the Council) says that this information is already publicly available on their website and is therefore exempt from disclosure under the FOIA, under section 21. The Commissioner’s decision is that the Council has correctly applied section 21 of the FOIA and does not require the Council to take any further steps.

FOI 21: Not upheld

[Decision notice FS50639992](#)

[PDF](#)

12 January 2017, Local government (City council)

The complainant has requested time sheets for particular individuals recording time spent on specified work. The Council provided the complainant with some information but confirmed that further information was not held under section 1(1)(a) FOIA. The Commissioner considers that the Council was correct to confirm that it does not hold any further information, other than that which was provided, under section 1(1)(a) of the FOIA. The Commissioner requires no steps to be taken.

FOI 1: Not upheld

[Decision notice FS50632941](#)

[PDF](#)

20 December 2016, Local government (City council)

The complainant made a freedom of information request to York City Council (“the Council”) for information about posters and advertising hoardings which she believed had been illegally posted in York City Centre. The Council refused the first part of the request under section 14(1) on the grounds that it was vexatious and for the second part of the request it said that the requested information was not held. The Commissioner’s decision is that the Council correctly applied section 14(1) to the first part of the request. The Commissioner requires no steps to be taken.

FOI 14: Not upheld

[Decision notice FS50626507](#)

[PDF](#)

24 October 2016, Local government (City council)

The complainant has requested emails between an individual councillor and Labour Group members of City of York Council (‘the Council’), sent on a specific day. The Council says that it does not hold this information for the purposes of the FOIA. The Commissioner’s decision is that the Council is correct and that it does not hold the requested information, under section 1(1)(a) of the FOIA. The Commissioner does not require the Council to take any steps.

FOI 1: Not upheld

[Decision notice FS50629586](#)

[PDF](#)