

## **Summary of ICO decision notices from 14 August 2018 to 1 November 2018**

### **1 Nov 2018 Decision notice FS50754577**

The complainant has requested copies of background documents provided to the Audit & Governance Committee. The Commissioner's decision is that not only is the request vexatious, but that it would have been unreasonable in the circumstances for City of York Council to issue a fresh refusal notice. The Council is therefore entitled to rely on Section 17(6) of the FOIA to issue a fresh refusal notice. The Commissioner does not require the Council to take further steps.

**FOI 17: Complaint not upheld**

### **30 Oct 2018 Decision notice FS50657329**

The complainant requested information with regards to the need for Grade A offices. City of York Council (the council) responded that it did not hold the requested information. The Commissioner's decision is that the request is for environmental information and that the council does not hold the requested information as per regulation 12(4)(a) of the EIR. The Commissioner did find that the council should have provided advice and assistance in accordance with regulation 9 of the EIR in order to provide some clarity to why the specific information requested was not held. As this clarity has been provided by the council to the Commissioner in response to her enquiries, the Commissioner does not require the council to take any steps.

**EIR 12(4)(a): Complaint not upheld EIR 9: Complaint upheld**

### **13 Sep 2018 Decision notice FS50730008**

The complainant has requested information regarding unpaid business rate accounts. City of York Council refused to disclose the requested information citing section 44(1)(a) of the FOIA by virtue of the statutory prohibition in section 2(2) of the Local

Government Act. The Commissioner's decision is that the exemption is not engaged, City of York Council incorrectly cited section 44(1)(a). The Commissioner requires the public authority to disclose the requested information.

**FOI 44: Complaint upheld**

### **11 Sep 2018 Decision notice FER0722488**

The complainant has requested information relating to Mount School playing field sale of land and proposed development. City of York Council confirmed that some information was not held and withheld other information under the exceptions for commercial confidentiality (regulation 12(5)(e)) and interests of the information provider (regulation 12(5)(f)). The Commissioner's decision is that City of York Council complied with regulation 5(1), in failing to carry out an internal review, breached regulation 11(3) and regulation 11(4) and, failed to demonstrate that the exceptions in regulation 12(5)(e) regulation 12(5)(f) are engaged. The Commissioner requires the public authority to disclose the information in parts 3, 4 and 5 of the request (excluding the personal data of third parties).

**EIR 5(1): Complaint not upheld EIR 12(5)(e): Complaint upheld  
EIR 12(5)(f): Complaint upheld**

### **14 Aug 2018 Decision notice FS50683673**

The complainant has requested information held by City of York Council (the council) about a referral it had made to the Local Government Association (the LGA). The Commissioner's decision is that the council has correctly applied section 14(1) of the FOIA (vexatious request) and does not require the council to take any steps.

**FOI 14: Complaint not upheld**

### **14 Aug 2018 Decision notice FS50682076**

The complainant has made a number of requests relating to an investigation into the procurement of certain external contracts by

the City of York Council (the council). The Commissioner's decision is that two of the three requests which have been considered within this Decision Notice are not vexatious and the council is not entitled to rely on section 14(1) in relation to these requests. With regards to a third request, the Commissioner has concluded that the council can no longer rely on its current reasoning for the application of section 14. The Commissioner requires the council to issue a fresh response in respect of the first two requests that does not rely on section 14(1). The council should then go on to issue a fresh response to the third request.

**FOI 14: Complaint upheld**