

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 26 November 2024

**Public Authority:** City of York Council

**Address:** West Offices  
Station Rise  
York  
YO1 6GA

#### **Decision (including any steps ordered)**

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1. The complainant has requested information with regards to the management structure at City of York Council (the council). The council refused to provide some information, relying on section 40, as it considered it to be personal data, and it refused the remaining information under section 21 of the FOIA – information reasonably accessible – providing links to the information.
2. The complainant did not dispute the exemptions but considers that the council holds further information. The Commissioner has found that, on the balance of probabilities, the council holds no further information falling within the scope of the request.
3. The Commissioner does not require any steps.

## Request and response

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4. On 18 March 2024 the complainant made the following information request to the council:

“The dates, times, named parties and their organisations of all correspondence, consultations etc in any form and meetings of the Chief Operating Officer in the period from 4th May 2023 to date appertaining to the senior Management Structure of the City of York Council.

In addition, I would like the qualified person to give their reasonable opinion as to the rationale for providing me or not providing me with the content of all the above identified interactions and to provide me with whatever information they deem appropriate as part of this request.”

5. The council responded on 23 April 2024 applying section 21 of the FOIA – information reasonably accessible – and provided weblinks to the information it held. It also applied section 40 to withhold the personal data of identifiable individuals.
6. The complainant requested an internal review on 29 April 2024 as he considered that the council held further information. Specifically, he considered that the council would hold a similar document to that produced in 2020 – Consultation on CMT (corporate Management Team) structure.
7. The council provided its internal review on 24 May 2024 stating that it does not hold such a document for 2024.

## Scope of the case

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8. The complainant contacted the Commissioner on 31 May 2024 to complain that the council has not provided all the information it holds.
9. The scope of the case is for the Commissioner to determine whether the council has provided all the information it holds falling within the scope of the request. As the complainant has not disputed the council's application of section 40 or 21, the Commissioner will not investigate the application of these exemptions.

## Reasons for decision

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### Section 1 of the FOIA – Information held/ not held

10. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to them.
11. Where there is some dispute between the amount of information identified 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 First-tier Tribunal decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).
12. The council has told the Commissioner that its managers from the Human Resources (HR) Department and Chief Operating Officer (COO) were asked to search both their electronic and paper filing systems.
13. It explained that these were the most relevant places to locate any held information as those officers were involved in the restructure. The COO initiated and managed the internal restructure with the support of the council's HR Department. They then brought details of the restructure and all relevant reports to the council's Staffing Matters and Urgency Committee (SMUC) for Elected Members to make their decision.
14. The council has confirmed that no other department would hold information relevant to the request.
15. With regards to the consultation on CMT, the complainant has said that not holding such a document is contrary to the statement of the Chief operating officer who, at the staffing matters and urgency committee on the 22nd of January, and 10.04 mins into the meeting, said that he would be consulting partners.

16. The council responded to the Commissioner on this point, stating that it received guidance from the Local Government Association (LGA), including general advice on layers of management within organisations. This is explained in the reports<sup>1</sup> published at the SMUC meetings. An example of this can be seen in Appendix 1 – Report to SMU on 22 Jan 2024 at point 13 onwards.
17. With regards to the complainant expecting a similar document to that produced in 2020 – Consultation on CMT (corporate Management Team) structure, the council has told the Commissioner that there was no obligation for it to carry out a consultation with partners and therefore no similar document is held.
18. It further explained that this is because the restructure of the CMT in 2020 included the role of the COO and therefore there was a wider discussion and consultation with external partners. Annex A of that discussion focused on the role of Chief Operating Officer or Chief Executive. The 2024 CMT restructure did not include the role of the COO and therefore whilst external partners may have been interested in the restructure, they had no role in determining how the structure will look.
19. The council has therefore concluded that it holds no further information relevant to the scope of the request.
20. The Commissioner has considered the above explanations from the council of the searches carried out and by whom, and accepts it has contacted the most relevant departments in order to locate what is held.
21. The Commissioner has not seen any evidence that demonstrates further information is held and therefore finds, on the balance of probabilities, that the council holds no further information falling within the scope of the request.

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<sup>1</sup> [Browse meetings - Staffing Matters and Urgency Committee](#)

## Right of appeal

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22. 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: 0203 936 8963

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)

23. 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.
24. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Daniel Perry**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**