

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 26 August 2010

Public Authority: The Ministry of Defence
Address: Whitehall
London
SW1A 2HB

Summary

The complainant requested considerable information from the public authority concerning General Sir Richard Dannatt. The public authority said that it held no relevant recorded information that was relevant to his requests. It confirmed its position in its internal review.

The Commissioner has carefully considered this case and has determined that on the balance of probabilities no recorded information was held by the public authority. He requires no remedial steps to be taken.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

Background

2. The Commissioner believes it is useful to have an understanding of the events that relate to the context of the request.
3. General Sir Francis Richard Dannatt was appointed the Chief of the General Staff in 2006. This role is the professional head of the army.

4. 15 October 2006: The then Home Secretary, David Blunkett criticised Sir Richard for commenting on the war in Iraq. He stated that the interference in politics may be a constitutional issue.¹
5. 5 June 2008: Sir Richard criticised the Government for how much it paid serving troops and their housing.² This criticism led to Gordon Brown saying that he would look again at forces' pay.³
6. June 2008: It was reported that Gordon Brown blocked Sir Richard's potential promotion to the Chief of Defence Staff.⁴ This role is head of all the armed forces and the principal military adviser to the Secretary of State for Defence and the Government.⁵ It was reported that the Government agreed to extend Air Chief Marshal Sir Jock Stirrup's tenure as Chief of Defence Staff for a further year.⁶
7. 17 July 2009: Sir Richard used an interview on the BBC Radio 4 Today Programme to claim that the public authority had to use budgets from other projects (and other forces) to finance the war in Afghanistan. He expressed the view that more troops would be desirable and also provided a 'shopping list' of equipment requirements; including more helicopters, more resources to counter roadside bombs and more air surveillance of the enemy.⁷
8. 28 August 2009: Sir Richard retired from his role in the armed forces and handed over his appointment to his successors. He would remain on its payroll until November 2009.
9. 6 October 2009: Sir Richard alleged that the Government had refused to provide 2000 extra troops that were required for the war in Afghanistan and that this could inhibit success. The Government responded by issuing a statement saying that a review of numbers

¹The original newspaper online articles are no longer online. However, there is a transcript from BBC Sunday AM of an interview that contains these concerns at the following link: http://news.bbc.co.uk/1/hi/programmes/sunday_am/6052792.stm

²For example the Telegraph article dated 5 June 2008 can be found here (the remainder of the citations serve as examples as well – all links cited in this Notice are correct on 26 August 2010):

<http://www.telegraph.co.uk/news/newstopics/onthefrontline/2078025/Army-chief-General-Sir-Richard-Dannatt-in-soldiers-pay-row.html>

³<http://www.telegraph.co.uk/news/newstopics/onthefrontline/2079892/Soldiers-could-get-pay-rise-after-General-Sir-Richard-Dannatt-intervenues.html>

⁴<http://www.timesonline.co.uk/tol/news/politics/article4138262.ece>

⁵<http://www.mod.uk/DefenceInternet/AboutDefence/People/ChiefsOfStaff/ChiefOfTheDefenceStaff.htm>

⁶ This is also referenced in the article in footnote 3 above.

⁷<http://www.telegraph.co.uk/news/newstopics/politics/defence/5848881/General-Sir-Richard-Dannatt-more-troops-needed-in-Afghanistan.html>

would be undertaken after considering a number of factors including the Afghan political situation.⁸

10. 7 October 2009: Sir Richard took a role as a defence adviser to the Conservatives.⁹ It was explained that he would be recommended by the Conservatives for a seat in the House of Lords.¹⁰
11. It is rare for former service chiefs to align themselves openly with any political party. Most former defence chiefs taking up a seat in the House of Lords sit as cross-benchers.

The Request

12. On 10 October 2009 the complainant requested the following information in accordance with section 1(1) of the Act [the additions of the dates in square brackets and the emboldening of the subject matter have been added by the Commissioner for clarity]:

*'a. Any correspondence (including e-mails) between any member of the MOD's ministerial team and General Sir Richard Dannatt which **relates to his links to the Conservative party and or his decision to join the Conservative party benches** as an adviser on defence. This correspondence could predate the announcement that Sir Richard was to act for the Conservative party or could have occurred subsequently [up to the date of the request – 10 October 2009].*

*b. Any correspondence (including e-mails) between any member of the Ministerial team and Sir Richard which relates **to his public pronouncements about British military strategy in Iraq and Afghanistan and or troop numbers and or the resourcing and equipping of the armed forces in general**. I am interested in receiving all material which relates to the period from October 1 2008 to the present day [10 October 2009].*

*c. Correspondence and communications (including e-mails) between the department's individual Ministers which **relate to Sir Richard's decision to join the Conservative benches**. The material could predate any actual formal announcement or it could have occurred subsequently [up to 10 October 2009].*

⁸<http://www.telegraph.co.uk/news/newstoppers/politics/defence/6264059/General-Sir-Richard-Dannatt-reveals-Governments-Afghanistan-troop-refusal.html>

⁹<http://www.timesonline.co.uk/tol/news/politics/article6864561.ece>

¹⁰<http://www.guardian.co.uk/politics/2009/oct/08/conservatives-defence-dannatt-lords>

*d. Any correspondence (including e-mails) between Sir Bill Jeffrey, the Permanent Secretary of the Ministry of Defence and Sir Richard Dannatt **which in any way touches on his links with the Conservative party and or his subsequent decision to join the Conservative benches.** This correspondence could predate the formal announcement that Sir Richard had agreed to work for the Conservative party or it could have been generated since [up to 10 October 2009].*

*e. Correspondence including e-mails Between [sic] Sir William Jeffrey and Sir Richard which touches upon Sir Richard's **public pronouncements about British military strategy in Afghanistan and Iraq, troop numbers and the resourcing of the British armed forces.** Please note that I am interested in receiving all material which relates to the period October 1 2008 to the present day [10 October 2009].'*

13. On 5 November 2009 the public authority issued its response. It explained that it had searched its records and could confirm that it did not hold any information that falls within the scope of the requests. It provided details about how to request an internal review and explained that after that the complainant could appeal to the Commissioner.
14. On 19 November 2009 the complainant requested an internal review. He explained that he did not believe that recorded information was not held and asked that an internal review was conducted within twenty working days.
15. On 21 December 2009 the results of the internal review were communicated to the complainant. It explained that it believed that it had complied with the procedural requirements of the Act. In respect of the substantive complaint it explained that it had sought a second time to confirm whether recorded information was held. It explained that a thorough search had been conducted and that the information requested did not exist. It provided the Commissioner's details and explained the complainant's right of appeal.

The Investigation

Scope of the case

16. On 12 January 2010 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the following points:
- He did not accept that no relevant recorded information was held in this case;
 - He believes that the timing of his request meant that information must be held. He explained that the request was submitted shortly after it was announced that Sir Richard Dannatt was to become a future adviser to the Conservative party on defence matters;
 - He believes that this decision provoked huge debate both in Whitehall and Westminster; and
 - He explained that there were repeated concerns that Sir Richard had broken official protocol and that he cannot believe that the key individuals did not communicate their concerns.
17. On 6 April 2010 the complainant agreed with the Commissioner that the scope of this case will be:
- To determine on the balance of probabilities whether the public authority holds any relevant recorded information for the five requests dated 10 October 2009.
18. On 11 May 2010 the complainant agreed that he was happy that all the requests could have the same time period from 1 October 2008 to 10 October 2009.

Chronology

19. 26 January 2010: The Commissioner wrote to the public authority. He explained that he had received this complaint and asked for it to provide its submissions about why its position was correct.
20. 28 January 2010: The public authority responded to the Commissioner. It confirmed that it did not hold any relevant recorded

information and provided records of the searches that it had conducted to determine that this was so.

21. 12 March 2010: The Commissioner wrote to the complainant. He asked him to confirm the scope of this investigation. He also summarised the arguments the complainant provided in his complaint letter and asked him to provide any further arguments about why he believed that relevant recorded information would be held in this case, if he wanted the Commissioner to consider them.
22. 31 March 2010: The Commissioner wrote to the complainant again to remind him that a response to his email dated 12 March 2010 was outstanding.
23. 6 April 2010: The complainant confirmed that he was content with the scope of this case and explained that there were no further submissions that he would like to make in this case.
24. 16 April 2010: The Commissioner telephoned the public authority to make further enquiries. He consolidated what he asked in an email the same day.
25. 29 April 2010: The public authority responded to the Commissioner's enquiries.
26. 11 May 2010: The Commissioner wrote to the complainant to confirm the time periods of the requests. The complainant confirmed those periods on the same day.
27. 14 June 2010: The Commissioner addressed further enquiries to the public authority about its position.
28. 9 July 2010: The public authority responded to those enquiries.

Findings of fact

29. The Ministerial team at the Ministry of Defence comprises of the following six roles:
 - Secretary of State for Defence.
 - Minister of State for Strategic Defence Acquisition Reform.
 - Minister of State for the Armed Forces.
 - Under Secretary of State and Minister for Defence Equipment and Support.
 - Minister for International Defence and Security.

- Under Secretary of State for Defence and Minister for Veterans.
30. The relevant individuals that held those roles through the time period that was the scope of this request (1 October 2008 to 10 October 2009) were:
- *Secretary of State for Defence*
 - (1) Rt Hon Bob Ainsworth MP (from 5 June 2009 to beyond 10 October 2009).
 - (2) John Hutton MP (from 1 October 2008 – to 5 June 2009).
 - *Minister of State for Strategic Defence Acquisition Reform.*
 - (1) Rt Hon Lord Drayson [post established 8 June 2009 and held beyond 10 October 2009].
 - *Minister of State for the Armed Forces.*
 - (1) Bill Rammell MP (8 June 2009 to beyond 10 October 2009).
 - (2) Rt Hon Bob Ainsworth MP (before 1 October 2008 – 5 June 2009).
 - *Under Secretary of State and Minister for Defence Equipment and Support.*
 - (1) Quentin Davies MP (5 October 2008 to beyond 10 October 2009).
 - *Minister for International Defence and Security.*
 - (1) Winifred Ann Taylor, Baroness Taylor of Bolton [post established 5 October 2008 and held beyond 10 October 2009].
 - *Under Secretary of State for Defence and Minister for Veterans.*
 - (1) Kevan Jones MP (5 October 2008 and held beyond 10 October 2009).
31. The Ministers and the Permanent Secretary are positioned in the public authority's 'Top Office Group' and it is this business area where the searches were undertaken.

Analysis

Substantive Procedural Matters

Is relevant recorded information held for any of the six requests?

32. An important initial point to make is that the Commissioner is limited to considering whether or not recorded information exists at the time of the request for information. This is the only information that a public authority is obliged to provide. The date of the request is 10 October 2009 in this case.
33. When investigating cases involving a disagreement as to whether or not information is in fact held by a public authority, the Commissioner has been guided by the approach adopted by the Information Tribunal in the case of *Linda Bromley & Others and Information Commissioner v Environment Agency* (EA/2006/0072). In this case the Tribunal indicated that the test for establishing whether information was held by a public authority was not one of certainty, but rather the balance of probabilities.
34. He has also been assisted by the Tribunal's explanation of the application of the 'balance of probabilities' test in the same case. It explained that to determine whether information is held requires a consideration of a number of factors including the quality of the public authority's final analysis of the request, the scope of the search it made on the basis of that analysis and the rigour and efficiency with which the search was then conducted. It also requires considering, where appropriate, any other reasons offered by the public authority to explain why the information is not held.
35. The standard of proof was confirmed by the Tribunal decision of *Innes v Information Commissioner* (EA/2009/0046). It stated at paragraph 41 that:

"This Tribunal is not prepared to introduce any kind of sliding scale in terms of the standard of proof beyond the balance of probabilities. The House of Lords and other senior courts in recent decisions have confirmed the importance of maintaining the core principle -- in civil proceedings -- that the correct test is the balance of probabilities. It is only in relation to Asylum and childcare and child safety issues that there is any kind of variation."
36. The Commissioner will apply this standard of proof to this case.

37. Each of the five requests is asking for different information and the Commissioner has decided therefore to consider each in turn:

Request 1

- *The quality of the public authority's final analysis of the request.*
38. The first request is for information exchanged by the individuals in the six roles noted in paragraph 30 above and Sir Richard Dannatt. It is for the time period 1 October 2008 to 10 October 2009. The information that needs to be searched is therefore clearly defined within its context. The public authority always searched using these time parameters.
39. The information that is relevant to the request must 'relate to [Sir Richard]'s links to the Conservative party and/or his decision to join the Conservative party benches as an adviser on defence'. The subject of the information request is also clearly defined and the Commissioner is content that the public authority read the request correctly.
- *The scope of the search it made on the basis of that analysis and the rigour and efficiency of that search*
40. The public authority explained that it conducted a search into all five parts of the request simultaneously. It was led by the Business Manager of the Top Office Group and focussed on the three most likely business areas that would hold relevant recorded information:
1. The Chief of the General Staff [CGS];
 2. The Ministerial Support Unit [MSU]; and
 3. The office of the Permanent Secretary [PUS];
41. In respect to request one the Commissioner is satisfied that the first and second areas are the correct place to search.
42. The Commissioner has also asked the public authority to explain how the searches were conducted. It explained that it had conducted manual searches in those areas for both email traffic (including its archives) and for relevant information in any other format held. It searched its records using the search term 'Dannatt'. It explained that the workplace was now a predominantly electronic environment and there was very little chance that documents of the description outlined in paragraphs 38 and 39 would be held in any other format.

43. It explained the structure of the two relevant locations outlined in paragraph 40 and 41 above. The Commissioner has summarised these submissions below:

1. The CGS structure comprises of a group email box for correspondence which is automatically accessible by its staff and saved where necessary. All correspondence is stored electronically; so if received in hard copy it is scanned in and anything produced is done so electronically. There is a limited hardcopy store, which is only routine office documentation or material waiting to be scanned. It explained that as a rule the CGS does not use email as a means of correspondence for official business.

2. The MSU assists the Ministers' private office. It receives and files documents, dispatches hard copy letters and electronic distributions and recalls/searches files for information when requested. This role includes assisting in the management of the Private Office group mailboxes (of which there is one per Ministerial Office), maintaining electronic and hard copy filing systems for the Private Office and sending out correspondence when directed. This allows the MSU to be ideally positioned to search for information when requested to do so.

44. It then explained how it undertook relevant searches and this is outlined below:

1. It searched for all correspondence received from and addressed to the CGS and any member of the ministerial team held by its outer office. It searched this correspondence using the key word 'Dannatt'. The results brought up a small number of documents that may have been relevant and then each was searched manually to determine that there was nothing of relevance to the request.

2. To search the MSU it was required to conduct three different searches:

(i) Firstly, it searched its database that is used for incoming documents. It is an access database where data is added individually which includes the data, originator and subject. It searched this using the keyword 'Dannatt';

(ii) Secondly, it conducted a search using a combination of the electronic files held on the teamsite (which comprised of hard copies of all outgoing files) and the MOD form 102 (its Protected Document Register – each ministerial office has its own and all letters that are sent out are recorded on it

irrespective of their classification). It searched the electronic records using the keywords 'Dannatt' and 'CGS' and all the relevant Protected Document Registers to check if Mr Dannatt's name appeared in them; and

(iii) Finally, it checked the sent item folders in each of the minister's group mailboxes.

45. The public authority has also confirmed that it has ensured that all the records for the past ministers had been searched as well and provided the Commissioner with a list of the full ministerial team. In addition it explained that the occupant of the post has little impact on the storage of information as any document will also have the role of the individual and so the public authority searches information in respect to the role that was held.
46. The public authority explained that it had conducted a trawl of the documents on the basis of the criteria that would most likely to be successful. It indicated that this does involve the initiative of the person that does the search and that it relies on the integrity of the filing system. It therefore cannot guarantee with 100% certainty it has found everything. However conducting a full manual search of all the files would be work well beyond the cost limit and even conducting a randomly chosen small sample of files that are not obviously relevant would not provide much greater assurance. It explained that it had conducted a sensible and appropriate search and that it was highly unlikely that an appropriate piece of information would escape the metadata search (for Dannatt) and not be remembered by the outer office staff. For information to exist and not be located would have required the collusion of several individuals and require them to act outside the law and the Civil Service Code.
47. To provide further proof that there was no such collusion, the public authority also provided the Commissioner with evidence of the contemporary records of what it had searched to come to the conclusion that no relevant recorded information was held in this case. It showed that it had searched the departments of the Ministers, provided an appraisal of the correspondence that constituted the total business between the two sides and carefully checked all the records to confirm that none of them fell within the scope of the request. It also provided information about the individuals who had conducted the search and the consideration that had gone into it.
48. The Commissioner has been satisfied that the scope of the search was reasonable and that the search was undertaken with the appropriate rigour and efficiency in respect to request one.

▪ *Other reasons offered by the public authority to explain why the information is not held*

49. The public authority explained that it was not surprised that no relevant recorded information was located for this request. It explained that the issue was likely to be more for the military chain of command than for a direct ministerial dialogue.
50. The public authority also explained its retention and destruction policy. In the Commissioner's view it is clear that had the information been held then it would have been located by the searches that had been conducted. The overall policy and 'New ways of working strategy' require the MOD to make sure that it has an effective electronic working environment and this meant the searches were as effective as possible.
51. The public authority has also explained that its business policy was for the CGS not to use email as a means of correspondence for official business and that this supports the argument that no relevant recorded information was held.
52. The Commissioner also asked the public authority for its comments on the complainant's arguments outlined in paragraph 16 above. It explained that it disagreed with the complainant's contention that information 'must' be held. Indeed there are two further reasons why by working practice no relevant recorded information would be held.
53. The first is that the Ministers and Permanent Secretary all have offices located closely together and they speak to each other regularly. This negates the necessity to conduct correspondence by email.
54. The second is that it is normal practice for Ministers and the Permanent Secretary to use their outer office support team and group email accounts. This enables them to operate in their roles without sending many emails from their individual email accounts.

▪ *Conclusion*

55. The Commissioner after careful consideration has concluded that on the balance of probabilities there is no relevant recorded information held by the public authority in respect of this request for information. He is satisfied that the searches have been conducted are sufficient and finds the results of his enquiries convincing. In addition, he finds that the general practice of the public authority and the way that it holds records also support the conclusion that it held no relevant

recorded information. He considers that the complainant's contrary arguments are not supported by the evidence.

Request 2

- *The quality of the public authority's final analysis of the request.*
56. The second request is for information exchanged by the individuals in the six roles noted in paragraph 30 above and Sir Richard Dannatt. It is for the time period 1 October 2008 to 10 October 2009. The information that needs to be searched is therefore clearly defined within its context. The public authority always searched using these time parameters.
57. The information that is relevant to the request must 'relate to [Sir Richard]'s public pronouncements about British military strategy in Iraq and Afghanistan and/or troop numbers and/or the resourcing and equipping of the armed forces in general'. The subject of the information request is also clearly defined.
- *The scope of the search it made on the basis of that analysis and the rigour and efficiency of that search*
58. The Commissioner is satisfied that the same appropriate searches outlined in paragraphs 40 to 48 were undertaken.
59. In respect of this request, the Commissioner also asked for the public authority to clarify its position in respect of one piece of information that had been located, but was determined to be outside the scope of the request. He received appropriate clarification about this item and he is satisfied that it was not relevant to the request.
- *Other reasons offered by the public authority to explain why the information is not held*
60. The Commissioner is satisfied that the explanations outlined in paragraphs 49 to 54 also apply in respect of this request.
- *Conclusion*
61. The Commissioner after careful consideration has concluded that on the balance of probabilities there is no relevant recorded information held by the public authority in respect of this request for information. He is satisfied that the searches have been conducted are sufficient and finds the results of his enquiries convincing.

Request 3

62. The third request is for information exchanged between the individuals in the six roles noted in paragraph 30 above. It is for the time period 1 October 2008 to 10 October 2009. The information that needs to be searched is therefore clearly defined within its context. The public authority always searched using these time parameters.
63. The information that is relevant to the request must 'relate to Sir Richard's decision to join the Conservative benches'. The subject of the information request is also clearly defined.
- *The scope of the search it made on the basis of that analysis and the rigour and efficiency of that search*
64. The Commissioner is satisfied that the same appropriate searches outlined in paragraphs 40 to 48 were undertaken.
- *Other reasons offered by the public authority to explain why the information is not held*
65. The Commissioner is satisfied that the explanations outlined in paragraphs 49 to 54 also apply in respect of this request.
- *Conclusion*
66. The Commissioner after careful consideration has concluded that on the balance of probabilities there is no relevant recorded information held by the public authority in respect of this request for information. He is satisfied that the searches have been conducted are sufficient and finds the results of his enquiries convincing.

Request 4

- *The quality of the public authority's final analysis of the request.*
67. The fourth request is for information exchanged by Permanent Under Secretary of State for Defence (Sir Bill Jeffrey) and Sir Richard Dannatt. It is for the time period 1 October 2008 to 10 October 2009. The information that needs to be searched is therefore clearly defined within its context. The public authority always searched using these time parameters.
68. The information that is relevant to the request must in some way touch on Sir Richard's links with the Conservative party and/or his

subsequent decision to join the Conservative benches. The subject of the information request is also clearly defined.

- *The scope of the search it made on the basis of that analysis and the rigour and efficiency of that search*

69. In this case it was necessary to check the third location for relevant recorded information alongside the original two. As noted above, the third location was the office of the Permanent Under Secretary of State for Defence (PUS).
70. The public authority explained to the Commissioner how information was managed within this business area. It said that all emails received are auto-forwarded into a central group email account, where it will remain for a couple months (unless deleted within the normal course of business), before being forwarded to its electronic archiving system. The members of staff also have personal email accounts where emails are not automatically forwarded. However these receive a very low proportion of business related traffic (perhaps 10 emails a week) and these are forwarded manually to the central group email account for attention.
71. It then confirmed the searches that had been undertaken. It had done a key word search (looking for the word 'Dannatt') of the electronic document holdings and had also asked the staff of the relevant business area who could recall no such communications of this type.
72. The public authority provided the Commissioner with contemporary evidence of what it had searched to come to the conclusion that no relevant recorded information was held in this case. It explained that it had checked its saved mail, Meridio files and its outgoing mail and found nothing. This search was conducted by a member of the department and was conducted with a full understanding of the information that was asked for by the request.
73. The Commissioner also checked that the PUS own email account had been checked. The public authority explained that it was very rare for emails to be sent directly to and from this account as the business practice was to use the group email account irrespective of potential sensitivity. However, it had checked the account over the relevant dates in any event.
74. The Commissioner notes that the other business areas were also checked in line with paragraphs 40 to 48 of this Notice.

75. Overall, the Commissioner has been satisfied that the scope of the search was reasonable and that the search was undertaken with the appropriate rigour and efficiency in respect to request four.

- *Other reasons offered by the public authority to explain why the information is not held*

76. The Commissioner is satisfied that the explanations outlined in paragraphs 49 to 54 also apply in respect of this request.

- *Conclusion*

77. The Commissioner after careful consideration has concluded that on the balance of probabilities there is no relevant recorded information held by the public authority in respect of this request for information. He is satisfied that the searches have been conducted are sufficient and finds the results of his enquiries convincing.

Request 5

- *The quality of the public authority's final analysis of the request.*

78. The fifth request is for information exchanged by the Permanent Under Secretary of State for Defence (Sir Bill Jeffrey) and Sir Richard Dannatt. It is for the time period 1 October 2008 to 10 October 2009. The information that needs to be searched is therefore clearly defined within its context. The public authority always searched using these time parameters.

79. The information that is relevant to the request must in some way touch on Sir Richard's public pronouncements about British military strategy in Afghanistan and Iraq, troop numbers and the resourcing of the British armed forces. The subject of the information request is also clearly defined.

- *The scope of the search it made on the basis of that analysis and the rigour and efficiency of that search*

80. The Commissioner is satisfied that the searches outlined in paragraphs 40 to 48 and 69 to 73 were undertaken for this information. The Commissioner is satisfied for the same reasons as outlined above that these searches were appropriate.

- *Other reasons offered by the public authority to explain why the information is not held*

81. The Commissioner is satisfied that the explanations outlined in paragraphs 49 to 54 also apply in respect of this request.

▪ *Conclusion*

82. The Commissioner after careful consideration has concluded that on the balance of probabilities there is no relevant recorded information held by the public authority in respect of this request for information. He is satisfied that the searches have been conducted are sufficient and finds the results of his enquiries convincing.

83. It follows that the Commissioner is satisfied that on the balance of probabilities that there is no relevant recorded information held that is relevant to any of the five requests. He considers that the complainant's arguments to the contrary are not supported by the evidence. He therefore finds that the public authority has complied with section 1(1)(a) obligations.

Procedural Requirements

84. The Commissioner is satisfied that the public authority has complied with the procedural requirements of the Act in this case.

The Decision

85. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act.

Steps Required

86. The Commissioner requires no steps to be taken.

Other matters

87. Although it does not form part of this Decision Notice the Commissioner wishes to highlight the following matter of concern. The Commissioner notes that three of the request when submitted had uncertain time periods. The public authority processed the requests without further clarification on the basis that all the time periods were the same. The Commissioner wants to express the view that the public authority should have sought clarification under section 1(3) in this case, as otherwise it could not be certain that the searches it conducted would have been targeted appropriately at the requested information. The Commissioner has since clarified this matter with the complainant who agreed that his request could be processed with consistent time periods. The public authority has acknowledged this mistake and explained that it will be more careful in the future. The Commissioner welcomes this.

Right of Appeal

88. 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,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: informationtribunal@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

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.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

Dated the 26th day of August 2010

Signed

**Graham Smith
Deputy Commissioner**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Legal Annex

The Freedom of Information Act 2000

Section 1 - General right of access to information held by public authorities

(1) Any person making a request for information to a public authority is entitled—

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.

(2) Subsection (1) has effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.

(3) Where a public authority—

(a) reasonably requires further information in order to identify and locate the information requested, and

(b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.

...