

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 September 2011

Public Authority: Northern Ireland Assembly
Address: Parliament Buildings
Stormont
Belfast
BT4 3XX

Decision (including any steps ordered)

1. The complainant has requested information from the NI Assembly on a submission made to it in July 2002.
2. The Information Commissioner's decision is that NI Assembly has correctly applied section 1 of FOIA, since it does not hold the information.
3. The Information Commissioner does not require the public authority to take any steps to ensure compliance with the legislation.

Request and response

4. On 20 July 2010 the complainant wrote to the NI Assembly and requested information about a submission made to Mrs Carmel Hanna (Minister for Department of Education and Learning) in July 2002. If this information had since been destroyed, she asked that a record of the destroyed information be provided.
5. The NI Assembly responded on 17 August 2010 and disclosed some information to the complainant. However, it informed her that the information was incomplete as only alternate pages of one of the documents which formed part of the submission could be found. It told her that it believed that this was possibly a transmission error when the document was sent to the NI Assembly.
6. Following an internal review the NI Assembly wrote to the complainant on 22 October 2010. It stated that it had carried out an extensive and

thorough search of records and that no further information was held within the scope of the request.

Scope of the case

7. On 30 November 2010 the complainant contacted the Information Commissioner to complain about the way her request for information had been handled.
8. There was further correspondence between the complainant and the Information Commissioner before an investigation could be commenced.
9. On 30 June 2011, following contact from the complainant, the Information Commissioner began an investigation into the complaint.
10. The Information Commissioner's investigation is to determine whether the NI Assembly does hold the information which the complainant disputes is held by it. In this case the disputed information is the alternate pages of one of the documents forming part of the submission.

Reasons for decision

11. Section 1 of FOIA states that any person making a request to a public authority must be informed in writing if that information is held and if that is the case to have that information disclosed to him.
12. In this case the NI Assembly has provided everything it holds within the scope of the request. It told both the complainant and the Information Commissioner that it had conducted an extensive and thorough search for the alternate pages missing from the submission but that it cannot locate those pages.
13. The Information Commissioner accepts that the information is not held by the NI Assembly and that a reasonable effort has been made to locate it. In particular, the Information Commissioner notes that alternate pages were retrieved, and considers it unlikely that the remaining pages would have been held separately. Accordingly, the Information Commissioner is satisfied that the NI Assembly has complied with its obligations under section 1(1)(a) and (b) of the FOIA.

Right of appeal

14. 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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

15. 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.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

**Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**