

Freedom of Information Act 2000 (FOIA)

Decision Notice

Date: 14 February 2012

Public Authority: Ordnance Survey
Address: Adanac Drive
Southampton
O16 0AS

Decision (including any steps ordered)

1. The complainant requested information relating to surveys conducted by Ordnance Survey regarding maps of a particular area. Ordnance Survey argued that it had already provided the complainant with all the relevant information it held.
2. The Commissioner's decision is that Ordnance Survey does not hold any information which it has not already provided to the complainant.
3. The Commissioner does not require any steps to be taken.

Request and response

4. The complainant has been in correspondence with Ordnance Survey for a number of years in relation to an issue he has about various maps. The complainant is of the view that the Ordnance Survey maps of a particular area dated 2004, 2005 and 2007 differ from the Land Registry title map of 2004. The Commissioner has identified a number of requests made by the complainant to Ordnance survey on the following dates:

- 21 June 2011
- 24 June 2011
- 6 July 2011
- 8 July 2011
- 26 July 2011

5. The complainant has agreed that all of the requests listed above were essentially for the same information, which can be summarised as follows:

Who instigated the surveys which led to revisions in the maps dated 2004, 2005 and 2007?

Who paid for these surveys?

6. In response to each request Ordnance Survey advised the complainant that it had instigated and paid for the surveys, but held no other information. Ordnance Survey maintained that it did not hold any other information that had not been previously provided to him, and pointed out that it had explained its position several times.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way his request for information had been handled. Although the complainant repeated his request to the Ordnance Survey on a number of occasions, he did not explicitly request an internal review. Nevertheless the Commissioner considered it appropriate to accept the complaint as valid, as Ordnance Survey had clearly had several opportunities to reconsider its response.
8. The Commissioner has stressed to the complainant that the Commissioner's remit only extends to considering whether a particular request has been dealt with in accordance with the legislation which he regulates. The Commissioner is unable to become involved in the wider aspects of this long-standing dispute, but notes that Ordnance Survey remains in correspondence with the complainant in an effort to resolve the dispute.
9. In light of the above the Commissioner has limited the scope of the case to whether or not Ordnance Survey holds information relating to who instigated and paid for surveys which led to revisions in the Ordnance Survey maps dated 2004, 2005 and 2007.

Reasons for decision

10. Section 1 of the Freedom of Information Act provides that 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.

11. Cases where it is disputed whether the public authority actually holds the requested information can be difficult to investigate, as it can be impossible to prove that information is not held. The First-tier Tribunal has confirmed that the Commissioner should focus on the authority's search for the requested information, so that it can be established how the authority reached the conclusion that it does not hold the information. If this explanation is reasonable, then it is likely that the Commissioner will find that, on the balance of probabilities, the information is not held.
12. In relation to the complainant's request to be told who paid for the surveys, Ordnance Survey explained to the Commissioner that it paid for all surveys it undertook or commissioned. Therefore any surveys which led to the maps queried by the complainant had been paid for by Ordnance Survey. The complainant did not provide any detailed grounds for challenging this point, and the Commissioner considers Ordnance Survey's explanation to be reasonable.
13. The Commissioner asked Ordnance Survey how it established that new surveys were required. Ordnance Survey explained that it acquired information about changes on the ground from a range of sources, including observations from surveyors through the course of their work, aerial photography and commercial providers. In addition Ordnance sometimes received requests from HM Land Registry to update or verify its mapping. Similarly, Ordnance Survey might carry out a survey as a result of a private individual questioning the accuracy of an Ordnance Survey map.
14. The Commissioner asked Ordnance Survey to explain how it had searched for the requested information (i.e. who had instigated and paid for the surveys), and how it had concluded that the information was not held. Ordnance Survey advised that it had searched all of its records, including those held by local teams and those contained on the central database. Ordnance Survey added that it had specifically asked staff about the complainant's issues, and staff confirmed that no relevant information had been located in any of the searches. Ordnance Survey based its conclusion on the fact that its systems did not contain any records of any external involvement in initiating the surveys.
15. The Commissioner noted that the complainant had not distinguished between internal and external parties when asking who had instigated the surveys. Therefore the Commissioner asked Ordnance Survey whether it was possible to identify the Ordnance Survey staff responsible. Ordnance Survey provided the Commissioner with a

detailed explanation of its record keeping procedures in relation to surveys. Ordnance Survey explained that it did not keep a definitive record of which individual surveyor mapped each area, as its systems were not designed to capture that type of information.

16. Ordnance Survey also pointed out that it had communicated frequently with the complainant on the matter, and had undertaken further searches based on information provided by the complainant. Ordnance Survey was of the view that it had engaged with the complainant and sought to address his concerns, but ultimately did not hold the information that the complainant wanted.
17. The complainant provided voluminous and frequent submissions to the Commissioner, containing information of varying degrees of relevance to the complaint. Having considered the correspondence the Commissioner has interpreted the complainant's concern to be that Ordnance Survey was asked by a private individual or individuals to carry out a particular survey, and that Ordnance Survey has sought to conceal this from him. The Commissioner has stressed to the complainant that he may only consider whether or not information *is likely to be held*; he can not comment as to whether information *should be held*.
18. In this case the Commissioner is satisfied that Ordnance Survey has conducted an adequate search for the requested information, and has reasonably concluded that it does not hold the requested information. The Commissioner has also considered whether, if he were to uphold the complaint, he could specify any steps that Ordnance Survey could be required to take. However the Commissioner is of the view that there is nothing more he can oblige Ordnance Survey to do in relation to the complainant's request. The Commissioner acknowledges the complainant's strong feelings on the matter, but finds, on the balance of probabilities that Ordnance Survey does not hold any information relevant to the requests that it has not already provided to the complainant.

Right of appeal

19. 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

20. 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.
21. 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

Alexander Ganotis
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