

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 March 2015

Public Authority: London Borough of Camden
Address: Camden Town Hall
Judd Street
London
WC1H 9JE

Decision (including any steps ordered)

1. The complainant has requested from the London Borough of Camden ("the Council") information relating to the repair and refurbishment of his home.
2. The Commissioner's decision is that the Council has provided the complainant with all the recorded information it holds that falls within the scope of his requests.
3. The Commissioner requires the Council to take no steps.

Request and response

4. On 11 April 2014 the complainant wrote to the Council and requested the following information:

"Under the provision in the Data Protection Act 1998 and the Freedom of Information Act 2000, please supply me with all information (letters, memos, emails, photographs, plans, reports, other documents, etc.) in relation to how the Better Homes Scheme has been applied to my home including:

1. *The survey of my home which took place in 2009 before I moved in.*
2. *The survey of my home by Savills on 11 April 2013.*
3. *The survey of my home by [redacted name] on 7 April 2014.*

- 4. The 2013 decision about the scope of works including criteria and policy.*
 - 5. The 2014 decision about the scope of the works including criteria and policy*
 - 6. All emails from Council officers [redacted names] during the period 10 March 2014 and 11 April 2014 inclusive in relation to this matter.*
 - 7. Surveys, recommendations, consultations and decision in relation to communal parts and external parts of Tavistock Chambers.*
 - 8. Details of works offered or undertaken or proposed to each of the other flats in Tavistock Chambers under the Better home Scheme”.*
5. The Council responded to the requests on 8 May 2014. The Council explained that requests 3 and 6 formed part of the complainant's subject access request and he would receive a separate response addressing this. In relation to the other requests, the Council handled these under FOIA. The Council provided the complainant with recorded information that fell within the scope of his requests. However it withheld some information under section 40(2) of FOIA as it contained third party personal data.
 6. The complainant returned to the Council on 3 July 2014 and asked for an internal review to be carried out. The Council sent the outcome of its internal review on 15 August 2014. In its internal review, the Council advised the complainant that it would contact the HASC department and ask it to provide a more detailed response to his requests.
 7. The complainant contacted the Commissioner on 22 August 2014 to complain about the way his requests for information had been handled. He explained that he had received no response from the HASC department as stated in its internal review outcome.
 8. The Commissioner contacted the Council and advised it of this. The Council subsequently sent a further response to the complainant and disclosed additional recorded information that it had located.

Scope of the case

9. The complainant contacted the Commissioner on 1 December 2014 and expressed dissatisfaction with the further response he had received from the Council. Specifically he believed that the Council had still not provided him with all the recorded information he was seeking.

10. The Commissioner wrote to the complainant on 3 December 2014 setting out his understanding of the complaint. The Commissioner understood the complaint to concern requests 1, 2, 4 and 7. Specifically that the complainant believed the Council held further information within the scope of requests 1, 2, 4 and 7. The complainant did not dispute the Commissioner's understanding of his complaint.
11. The Commissioner has therefore considered whether the Council holds any further information within the scope of requests 1, 2, 4 and 7.

Reasons for decision

12. Section 1(1) of FOIA states 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".*

13. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the ICO, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
14. In other words, in order to determine such complaints the ICO must decide whether on the balance of probabilities a public authority holds any information which falls within the scope of the request (or was held at the time of the request).
15. The complainant disputed the Council's claim that it had provided him with all recorded information it held within the scope of requests 1, 2, 4 and 7.
16. The Commissioner has investigated this complaint by returning to the Council and asking it a number of questions in order to determine whether it holds any further recorded information sought by the complainant. When doing so, the Commissioner took into account the arguments raised by the complainant which supported his position that the Council would hold further recorded information that would be captured by his requests.

Request 1

17. The Council had advised the complainant that it had contacted the Voids team and the Holborn District Housing Office (DHO) and both departments had confirmed that they were not in possession of the survey. The complainant disputed this.
18. The Commissioner subsequently asked the Council to confirm the searches that the Voids team and the DHO had undertaken in order to locate a copy of the survey. He also asked the Council to confirm whether a copy of the survey has been deleted/destroyed.
19. In response to the Commissioner investigation, the Council explained that the Voids team did not exist at the time (2009) and as such were unlikely to hold any records. However it undertook a search of the void records and *"could not find any as the records begin after this property was last a void"*. It advised that the DHO would have been responsible for the works at the time.
20. The Council therefore contacted the DHO and a search was undertaken on the records management system TRIM. TRIM is a records management system that replaced the IDOX system in 2012/2013. The Council confirmed that everything on IDOX was transferred to TRIM. It explained that the TRIM *"system holds records in containers which pertain to the tenancy/leaseholder/property etc. of an entity that the authority has correspondence with or has an interest in"*.
21. The Council explained that a snapshot was taken from TRIM of the containers for the complainant's address and all three containers that hold documents relating to the his property were searched. The Council confirmed that the search found no information relevant to the request. It also confirmed that a search of the tenancy container was undertaken which returned one result of interest. The Council explained that this was an email which referred to certifications and documentation part of the void handover. However the Council confirmed that there was no documentation attached to the email.
22. The Council explained:

"...documentation pertaining to the handover of the void property is referred to in one email. This would likely also include a Void Survey had one been conducted. Hard copies of such documents are not retained as they are scanned into an electronic record management system for retention. However a search of the system has been undertaken and the document cannot be traced. The authority is supposed to retain such documentation as evidence that the property was renovated to the legal standard at that time but unfortunately in this case we do not have a

copy. This is likely down to an error when transferring from one electronic system to another”.

Request 2

23. The complainant argued that the Council would hold emails between itself and Savills. The Commissioner addressed this with the Council and asked it to reconsider its response to determine whether any such emails are held.
24. The Council reconsidered its response and confirmed that the Savills scope documentation referring to the survey of the property has already been provided to the complainant. In order to be helpful the Council explained the process it has with Savills.

“Properties which have been identified as potentially required Better Homes work are identified and are sent to Savills by email as an Excel spreadsheet. Letters are then sent out to tenants advising of the process to follow and provide contact details. Further letters are sent out in instances where access is not gained.

Once Savills have completed their scoping exercise the data is provided to the London Borough of Camden along with the individual scoping documentation for each property accessed and the Periodic Inspection Report. Savills load this to an FTP site which is then extracted by the Asset Team. The data is loaded into Northgate as deliverables and components of work which are then carried out...”.

25. With reference to the process described at paragraph 24, the Council stated that there will be no emails held specific to this property between Savills and the Council.

Request 4

26. In relation to this request, the complainant argued that the Council has provided him with a background policy document which contains information relating to the decision about the scope of the works to his home, but no information about the decision itself, or the criteria used.
27. The Council informed the Commissioner that the decision to programme works is based on the policy document which has been provided to the complainant, in conjunction with the Savills data row already provided and referred to in request 2. The decision on properties to be included for Better Homes works was agreed at a Cabinet meeting on 24 July

2014. The Council directed the Commissioner to its website¹ where minutes of this meeting could be found.

Request 7

28. The complainant argued that he has not been provided with any emails either internally or with the surveyors and this information would fall within the scope of his request.
29. The Council confirmed that the complainant has been provided with the Stock Condition Survey data from 2012 relating to the communal areas of Tavistock Chambers. The Council informed the Commissioner that it has also provided him with information relating to work programmes.
30. The Council explained that the Stock Condition data for 2012 was extracted from its Asset Management system Apex. It confirmed that Apex contained more data but this data was not relevant to the request.
31. A further search was carried out on the Council's TRIM system for records logged against Tavistock Chambers. The Council confirmed that the results returned pre date the start of the complainant's tenancy and therefore do not fall within the scope of request 7.

Conclusion

32. The Commissioner has acknowledged all arguments raised by the complainant as to why he believes further information would be held. However on the basis of the arguments provided by the Council, the Commissioner has determined that on the balance of probabilities, the complainant has received all recorded information held by the Council within the scope of requests 1, 2, 4 and 7.

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<http://democracy.camden.gov.uk/ieListDocuments.aspx?CIId=122&MIId=4641&Ver=4>

Right of appeal

33. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

34. 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.
35. 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

Rachael Cragg
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