

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 4 August 2016

**Public Authority:** English Heritage  
**Address:** The Engine House  
Fire Fly Avenue  
Swindon  
SN2 2EH

#### Decision (including any steps ordered)

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1. The complainant has requested information from English Heritage relating to contact and communications it has had with the Prince of Wales.
2. The Commissioner's decision is that English Heritage does not hold the requested information.
3. The Commissioner requires English Heritage to take no steps.

#### Request and response

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4. On 25 February 2016, the complainant wrote to English Heritage and requested information in the following terms:

*Please note that the reference to the Prince of Wales below should also include his private office and or anyone specifically acting on his behalf.*

*Please note that the reference to English Heritage should be taken to mean the organisation's Chief Executive and or its Chair and or its public relations department and or any member(s) of staff with specific responsibility or dealing with the Royal Family and or members of the Royal Household. But in the case of question three can you please identify all relevant English Heritage staff who were present.*

*1... During the aforementioned period has the Prince of Wales exchanged correspondence and communications (including emails) with English Heritage about the future well being of and or environmental damage caused to any historic properties and or sites and or locations which are managed and or owned and or run by the organisation. If the answer is yes can you please provide copies of this correspondence and communications including emails. Please note that I am interested in receiving both sides of the correspondence and communications.*

*2...During the aforementioned period has the Prince of Wales sought the support and or backing of English Heritage for a campaign or initiative which has implications for the environment. These campaigns could include but will not be limited to properties owned and or managed by English Heritage. If the answer is yes can you please provide both sides of the correspondence and communications including emails.*

*3...During the aforementioned period has the Prince of Wales met with English Heritage to discuss environmental issues or topics which have implications for the environment. These discussions will include but will not be limited to the impact of the environment on individual projects owned or managed by English Heritage. In the case of each meeting can you please provide a date, time and venue. In the case of each meeting can you please provide a full list of all of those present. In the case of each meeting can you please provide copies of all internal documentation and correspondence which specifically relates to the meetings. Some of this documentation could have been generated prior to the meeting taking place or it could have been generated afterwards."*

5. English Heritage contacted the complainant on 26 February 2016 and asked him to confirm the date ranges of the information he was seeking.
6. The complainant responded later the same day and explained that he was seeking the information from 1 January 2015 to the present day.
7. English Heritage contacted the complainant further on 18 March 2016. It explained that under regulation 7(1), public authorities are allowed to extend the deadline for replying to complex and/or voluminous requests by an additional 20 working days. English Heritage explained that due to the complexity of the request, it would need to extend the deadline by a further 20 working days. It aimed to get a response to the complainant by 25 April 2016.
8. English Heritage responded on 22 April 2016. It explained that the requested information was not held. This position was maintained at internal review.

## Scope of the case

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9. The complainant contacted the Commissioner on 30 April 2016 to complain about the way his request for information had been handled.
10. The complainant asked the Commissioner to consider whether the information was held by English Heritage. He also asked the Commissioner to consider whether English Heritage was correct to extend the deadline of its response under regulation 7(1).
11. The Commissioner has had to consider whether English Heritage holds any of the requested information. The Commissioner has contacted English Heritage separately regarding regulation 7.

## Reasons for decision

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12. Regulation 12(4)(a) provides that a public authority may refuse to disclose information where it does not hold that information when a request is received.
13. Where there is a difference between the amount of relevant information identified by a public authority and the amount of relevant information that the complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions, applies the civil standard of proof, the balance of probabilities. The Commissioner must decide whether on the balance of probabilities the public authority holds (or held at the time of the request) any information which falls within the scope of the request.
14. English Heritage confirmed that it does not have a corporate Electronic Document and Records Management System to search for the information. Instead, English Heritage explained that it had contacted all relevant staff members that fell within the scope of the request. This consisted of English Heritage's Chief Executive, Chairman and Head of Public Relations. These individuals were informed of the request and were asked to forward copies of all relevant correspondence held to an officer within the Information Management and Technology Department. English Heritage provided the Commissioner with a copy of its emails to these three individuals and the responses it received. The responses received confirmed that they do not hold any information within the scope of the request.

15. English Heritage also explained:

*"We also went above and beyond this, by contacting staff at all levels in order to make them aware of the request. This included the Historic Properties Director, the Head of National Projects, and Estates Surveyors. This did not identify any information that fell within the scope of the request. It was felt necessary in order to inform staff of the request. The requestor clearly stipulated that the reference to English Heritage should be taken to mean the organisation's Chief Executive and or its Chair and or its public relations department and or any member (s) of staff with specific responsibility for dealing with the Royal Family and or members of the Royal Household and I can confirm and have provided evidence to demonstrate that we do not hold any information that falls within the scope of the request".*

16. Without any evidence to the contrary, the Commissioner has found on the balance of probabilities that English heritage does not hold any information falling within the scope of the request.

## Right of appeal

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17. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

18. 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.
19. 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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**