

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 26 January 2017

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

#### Decision (including any steps ordered)

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1. The complainant has requested information from the London Borough of Camden ("the Council") relating to the Council's policy on Freedom Passes.
2. The Commissioner's decision is that the Council does not hold the requested information.
3. The Commissioner requires the Council to take no steps.

#### Request and response

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4. On 28 January 2016, the complainant wrote to the Council and requested information in the following terms:

*"This request is for access to and/or a copy of the Camden council policy on the requirement for proof of residence within the borough for the London Council's Freedom Pass and the procedures implemented in accordance with this policy*

*Requesting access to and/or a copy of the Camden council policy of Freedom passes".*

5. The Council responded on 10 February 2016 and provided the complainant with a link to guidance on the Department of Transport website.
6. The complainant responded on the same day and explained that the information the Council had provided was not the information he was

seeking. In an email he sent later the same day, the complainant provided clarification of the information he was seeking. He explained:

*"The document provided does not in any way support the procedure used by the staff of Camden Accessible Travel Solutions. In fact it confirms the points I put to them.*

*The respondent in his reply reiterates what they say on the phone (not on the web site) and furthermore it is not supported by the documentation pointed at – quite the reverse.*

*So the clarification required of the team would be to provide the source of the requirement to produce*

- *Current household contents insurance policy*
- *Current TV licence*
- *Utility Bill - Must be dated within the last 3 months*
- *Recent Council Tax Bill*

*Which they as yet have failed to do".*

7. The Council responded to the complainant's email on 2 March 2016. It provided a detailed explanation of its criteria for satisfying whether a pass holder's address is their sole and principal residence. It explained:

*"In response to your FOI request and query, I can confirm that each London borough operates their own criteria in satisfying that a pass holders address is their sole and principal residence. It is at the discretion of the borough to what documents they request to determine residency.*

*In order to simplify the renewal process the Council uses an automated 'residency checker' which checks the Council Tax, Housing Benefits, Social Care and Electoral Roll records. If this check is positive, the renewal is successful with no further action required from the pass holder. Some 80% of our pass holders have been renewed automatically. Otherwise, we write to pass holders asking for documentary evidence.*

*The Council requires either two specific types of document or only one if the pass holder is on either the Electoral Roll or Council Tax we were unable to locate your details on either of these systems.*

*We request for property related documents (such as utility bills) as they are generally more reliable as evidence of residency. This may seem onerous, but the Council must be reasonably confident passes are issued only to pass holders whose principal residence is in the borough. The list*

*of documents required to renew your Freedom Pass (as stated in your email) are available on our website:*

<http://www.camden.gov.uk/ccm/content/transport-and-streets/accessible-transport/freedom-passes/freedom-pass-renewal-2016/?page=2#8> please see Question 8."

8. The complainant replied on the same day and explained:

*"I would still like to know the source of the department's arguments I would still like to know the source of the department's requirements as listen in my previous messages. This they have still failed to produce and this is the core of my request".*

9. The Council contacted the complainant on 7 March 2016 and advised that it had nothing further to add to its previous response.
10. The complainant contacted the Council further but the Council's position remained the same.

### **Scope of the case**

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11. The complainant contacted the Commissioner to complain about the way his request for information had been handled.
12. The Commissioner has had to consider whether the Council holds the requested information.

### **Reasons for decision**

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13. Section 1(1) of the 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".*

14. 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.

15. 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).
16. The Council explained that upon receipt of the request, the Information and Records Management team contacted the Camden Accessible Transport Solutions team (CATS). This team were identified as the appropriate information holder, as one of their responsibilities is to manage how freedom passes are issued within the Borough of Camden
17. The CATS team explained that the Council must satisfy itself that Freedom Pass Holders are resident in the Borough and that is based on guidance provided by the Department for Transport. A link to this guidance was provided to the complainant in the Council's initial response.
18. The CATS team confirmed that it held no further information relating to the request. However, it provided guidance as detailed in paragraph 7.
19. The Council explained:

*"In dealing with [the complainant's] FOI request, Camden had identified the correct team within the council that was a source of the information. This information was then provided to [the complainant]. There is no further information that can be given to [the complainant] on this matter".*
20. Based on the submissions provided by the Council, the Commissioner is satisfied on the balance of probabilities that the requested information is not held.

## Right of appeal

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21. 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)

22. 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.
23. 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**