

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 October 2022

Public Authority: London Borough of Enfield

Address: Civic Centre
Silver Street
London
EN1 3XA

Decision (including any steps ordered)

1. The complainant requested from London Borough of Enfield (the Council) information relating to the Council's PSI Asbestos Management System. The Council stated it does not hold the information requested.
2. The Commissioner's decision is that on the balance of probabilities, the Council does not hold the requested information. Therefore, the Commissioner does not require the Council to take any steps as a result of this decision.

Request and response

3. On 17 November 2021 the complainant wrote to the Council and requested information in the following terms:

"Please supply copies of three tables held on Enfield Councils PSI Asbestos Management System. The table names are: -

tblSurveyBuildingNo
tblSurveyBuildingNoFloor
tblSurveyBuildingNoFloorRoom

Please include all fields and all records."

4. On 22 November 2021 the Council responded and advised that it does not hold the information requested. It explained it does not have access to this part of the database and that this information is only available from the software provider.
5. On the same day the complainant requested an internal review.
6. On 18 February 2022 the Council provided its internal review response and maintained its position that it does not hold the requested information.

Reasons for decision

7. Section 1(1) of FOIA 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.”
8. The Commissioner has sought to determine whether, on the balance of probabilities, the Council holds the requested information.
9. The Council further confirmed that this information is also not held on behalf of the Council. It explained that the tables and their contents are the provider’s unique technical design and formula, which the Council does not hold or have access to. The Council said that “these tables and their contents generate an output, the result of which is provided to the Council as part of the Organisation’s Asbestos Management System. However, the tables, their fields and records, belong to the software provider and have not been solely developed for or on behalf of the Council.”
10. On the balance of probabilities the Commissioner is satisfied that the Council does not hold the requested information. He accepts that the Council does not have access to it and the information belongs to the software provider. The Commissioner therefore finds that there is no requirement for the Council to hold this information.
11. In this case, the Council has complied with its obligation under section 1(1)(a) of FOIA.

Right of appeal

12. 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@justice.gov.uk.

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

13. 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.
14. 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

Phillip Angell
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF