

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

Decision notice

Date: 2 March 2023

Public Authority: Coventry City Council
Address: Council House
Earl Street
Coventry
CV1 5RR

Decision (including any steps ordered)

1. The complainant requested a digitised copy of the Definitive Map of Public Rights of Way, as stored for use in a GIS software application or interactive online map. Coventry City Council (the Council) stated that the information was publicly available and easily accessible and as such regulation 6(1)(b) applied. The Council also applied regulations 12(4)(e) and 13 to some of the information requested. During the course of the Commissioner's investigation, the Council withdrew reliance on regulation 6(1)(b) and the exceptions quoted.
2. The Commissioner's decision is that the Council breached regulations 5(1) and 5(2) of the EIR in its handling of the request.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Disclose the information requested in the format specified in the request.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court

pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 22 April 2022, the complainant wrote to the Council and requested information in the following terms:

“1/ The digitised version / working copy of your Definitive Map of Public Rights of Way as stored for use in a GIS software application or interactive online map. My preferred format for this GIS data would be one of KML, GeoJSON, MapInfo or Shapefile. If the data is in more than one file, please provide the files in a zip file. I realise that this data is not the actual Definitive Map, but just an unofficial representation of it, which may contain errors. But that is fine for my purposes.

2/ Your Definitive Statements of Public Rights of Way, assuming these are held in digital form (either scanned copies or native digital versions). I would prefer the information in a re-usable (computer readable) format. If the full Statement information is already contained in the GIS data supplied for part 1, then that will satisfy this part of the request, and there is no need to provide anything separately. If the statements are only held in paper form, then I'm not asking you to scan them. If there is an electronic working copy, then I would be happy to receive a copy of that instead.

3/ An explanation for any formatting of a Right of Way's reference number, if applicable. For example, if any abbreviations are used in the reference, please detail their expansions and what they refer to (e.g. parish name). Could you also confirm if these references are used on the legal Definitive Map and Statement, or if they're just for convenience in the electronic versions? If the Definitive Map and Statement use a different style of reference / name for each Right of Way, could you please provide details?

Secondly, under the Re-Use of Public Sector Information Regulations [RPSI], I would like to request permission to re-use the information above under the Open Government Licence v3. The purposes for which the information is to be re-used are: (a) to help improve the mapping of Rights of Way in OpenStreetMap, and (b) to convert the datasets to a more convenient format, and then make them available for others to re-use under an open licence”.

6. The Council responded on 19 May 2022 and stated that, in relation to part 1 of the request, the information was publicly available and provided a link to the information. In respect of part 2 of the request the Council stated that the information was not held in a digital format. In

respect of part 3 of the request the Council explained what the reference "M" referred to. The Council also provided an explanation about re-use of the information in question.

7. On 19 May 2022 the complainant wrote back to the Council and stated that they had asked for the information "in a specific format which would include the geographical information (ie route co-ordinates) and allow for re-use". They also queried the Council's response to re-use of the information.
8. The Council provided the outcome of its internal review on 22 June 2022 and confirmed that it was relying on regulation 6(1)(b) of the EIR in relation to part 1 of the request as all the information requested was publicly available and easily accessible via the link provided. The Council also stated that it was now relying on regulations 12(4)(e) and 13 to some information within the MapInfo tables. The Council also provided further information about its position in terms of re-use of the information and confirmed that RPSI did not apply to information that is exempt from disclosure under information access legislation.
9. The complainant wrote back to the Council on 24 June 2022 and requested a further review of the case. They stated that they thought the Council had missed the key aspect of the case – that the online map did not provide the full geographical co-ordinates they were seeking access to. They also queried the application of regulations 12(4)(e) and 13 of the EIR.
10. The Council responded on 31 August 2022. It stated that it did not hold the precise geographical coordinates and to provide it would involve creation of new information. The Council upheld its position in terms of re-use of the information requested.

Scope of the case

11. The complainant contacted the Commissioner on 2 September 2022 to complain about the way their request for information had been handled.
12. During the course of the Commissioner's investigation the Council confirmed that it had reviewed its position and withdrew its reliance on regulation 6(1)(b) and the exceptions quoted. The Council confirmed to the Commissioner that it would disclose all of the information to the complainant in the format specified in the request, including route co-ordinates .
13. At the date of this notice, the Council has not disclosed the information requested. As such, the scope of the Commissioner's investigation is limited to considering procedural matters relating to the handling of the

request. The Commissioner has not considered matters relating to RPSI in this decision notice.

Reasons for decision

14. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."

15. Regulation 5(2) of the EIR states that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."

16. The Commissioner notes that the Council has withdrawn reliance on regulation 6(1)(b) and the exceptions cited. Furthermore the Council has confirmed that it will disclose all of the requested information to the complainant. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the EIR. Therefore the Commissioner's decision is that the Council has failed to comply with regulations 5(1) and 5(2) because it has not disclosed the information.

17. The Commissioner requires the Council to disclose the information requested in the format specified in the request.

Right of appeal

18. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

19. 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.
20. 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

Joanne Edwards
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF