

FOIA s.1(1) – Whether information held

## ***Jeffrey Smith v IC***

**EA/2005/0029**

**20<sup>th</sup> March 2006**

### **Cases:**

### **Facts**

The Appellant was Vice-President of the Kingsbury-North West Jewish Youth and Community Centre (known as Kinnor). Kinnor leased a property from Brent Borough Council which it sought to sell. Kinnor made an offer but no agreement was reached so the property was sold auction. There were disputes over whether Kinnor were offered and then refused an opportunity to purchase the property. Kinnor continued to lease the property, but due to back rent review and issues regarding dilapidation, Kinnor had to vacate the property. The Appellant subsequently made a request for information regarding the disposal of the property. The Council provided most of the information except for copies of letters which it claimed it did not have. The Appellant was not satisfied with this response, using newspaper articles as evidence to argue that the Council did have the letters.

The IC was satisfied that the Council did not hold the letters.

### **Findings**

The Tribunal held that there was no question of any error of law in this case. On the question of discretion, the Tribunal found no grounds to justify any finding that the Commissioner ought to have exercised his discretion differently. Moreover, they stated his Notice was based on factual findings, which were unimpeachable both at the time of the original Notice as well as at the time when the Commissioner served his Reply.

### **Conclusion**

The Tribunal dismissed the appeal.