

Mr Norman Ingle v IC

EA/2007/0023

29th June 2007

Cases:

Facts

The Appellant was told by the local authority that a grievance of his, which had been considered a number of times, was turned down by the Chief Executive for “reasons already given to you by others”. The Appellant requested information as to what those reasons were. The Council, in response had allowed Mr Ingle access to “their complete file of documents”. The Appellant had searched this but could not find the reasons. The Council asserted they had no further recorded information to disclose; The Appellant did not claim there were other, missing documents which had been kept back from him. He asserted that the reasons had never been recorded and did not exist, and wanted a ruling to establish that the Chief Executive had been mistaken when she referred to them.

The IC upheld Mr Ingle’s complaint about the delay, but found that in other respects, the Council dealt with the request for information in accordance with the Act.

Findings

The Tribunal emphasised that the Freedom of Information Act only gives a right to recorded information; and that if, as the parties agreed, Mr Ingle had been given access to the Council’s complete records, there was no further duty on the Council under the Act. There was no obligation under the Act to create a record so that it could be disclosed.

Conclusion

In the circumstances, there was nothing to be gained from considering the appeal further, and it was summarily dismissed.