

[REDACTED]
Sent via e- mail

Date: 29 November 2019

Dear [REDACTED],

I write on behalf of the Old Oak and Park Royal Development Corporation (OPDC), which has asked me to conduct an Internal Review in light of your correspondence with them on 4 October 2019 via the whatdotheyknow.com website. This concerned OPDC's response to your information access request of 30 July 2019 through the same website.

Please accept my apologies for not providing you with this review before now.

Your request of 30 July 2019 asked for the release of the following information:

1. *Documents (letters, emails) from MHCLG and/or Homes England setting out the conditions under which the Corporation's bid for £250m of Housing Infrastructure Funds was approved by Government in March 2019.*
2. *Any written advice (letter, email) from Government departments or agencies advising or directing that the content of the OPDC 'expression of interest' in Housing Infrastructure Funding should not be made available to the public.*

OPDC confirmed that it did not hold any recorded information that was in-scope of the second part of the request, and refused the first part of your request under regulation 12(4)(b) of the Environmental Information Regulations (EIR) on grounds this element was considered to be manifestly unreasonable in accordance with those provisions.

In your correspondence of 4 October requesting this Internal Review, you challenged both aspects of this response, and I have therefore sought to cover both issues in this letter.

Internal Review

The purpose of the Internal Review is to assess if the initial request submitted to a public authority was handled in accordance with the Regulation and, where the requested information could not be provided, that the correct EIR exception provisions have been applied. This process is not designed to address any subsequent requests for information, or to answer new questions. Where appropriate, we will provide additional background information to help explain the initial response or add context to the information released, or to help clarify the decision to withhold information.

Looking at the second element of your request first, I have consulted OPDC and reviewed the nature of the searches that they conducted to identify and locate information which would be in-scope of this part of your request. I am satisfied these searches were conducted by appropriate staff within the authority and that these searches were proportionate and adequate. I therefore uphold that OPDC did not hold information in-scope of this part of your request. In this regard, the response letter constitutes a valid refusal notice issued under the exception found under regulation 12(4)(a) of the EIR.

Moving on to the first aspect of your request, I am conscious that this element of your request and the information you are seeking is related to your earlier requests to the authority for information concerning the HIF bid, and that, as with these preceding requests, OPDC have relied on the provisions of regulation 12(4)(b) to refuse this part of the request on grounds that it is manifestly unreasonable.

I am also mindful, however, that your request is not a repeat request or asking for precisely the same information that you have requested previously. I am also conscious of the passage of time since your initial information access requests for information concerning the HIF bid earlier this year.

All requests submitted under both FoIA and the EIR must be considered on a case-by-case basis based on the relevant circumstances at the time the request is received. I have therefore reviewed the handling of this request on its own merits.

Despite this, however, I do not consider that OPDC's decision to refuse this element of your request on the grounds provided under regulation 12(4)(b) were either unfounded, unreasonable or untenable.

For the reasons that have explained in the correspondence with you on your earlier requests, a considerable amount of work would be required to identify, isolate, extract, collate and review the information you are requesting. And again, there are limited resources available within the authority with the necessary knowledge to conduct this work to identify and consider the specific information you are requesting. So, in this regard, I am satisfied nothing has changed since your initial request.

I do not contest that the information sought here is something which would be of interest to the wider public, but I am again mindful that the public interest considerations pertinent here are those surrounding whether or not those interests are best served by OPDC carrying out the volume of work to comply to the request, not solely whether any of the information which might ultimately be captured by the request should or should not be released.

And as we have noted previously, much of the information surrounding the HIF bid is likely itself to be exempt information – i.e. information to which either an exemption provision under FoIA, or a disclosure exception provision under the EIR would apply. In reviewing this case, I must again consider the amount of time that would be required to manually review, consider, consult and redact potentially exempt information the burden it would place on OPDC resources would be disproportionate given the limited amount of information which would ultimately be released after the information had been redacted.

On this point, I am also aware that requests for similar information concerning the HIF bid have been made to other public authorities, including to the Ministry of Housing, Communities and Local Government (MHCLG). Those authorities have withheld information not dissimilar to what you are seeking here under the relevant provisions of FoIA and EIR and those decisions have been upheld by the Information Commissioner in complaints brought before her office.

After considering all the facts available to me, I would uphold the initial decision in full.

However, I do note the significant delay in providing you with a response to your request and that this exceeded the twenty working day deadline provided under regulation 5(2) or regulation 14. I also note that OPDC did not provide a valid notice under regulation 7(1)(3) – to advise you that an extension was required to this deadline.

I again offer my apologies on behalf of OPDC for these delays. OPDC is committed to ongoing improvement of its internal processes for handling information access requests to ensure timely responses.

If you remain dissatisfied with our decision you may take your complaint to the Information Commissioner at the following address:

*Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
<http://www.ico.org.uk/complaints>*

If you would like to submit any further requests for information held by OPDC, please submit them to OPDC directly via info@opdc.london.gov.uk

Yours sincerely,


**Information Governance Manager
Greater London Authority**