

Mr Joseph F L Scaife

Your ref:

**Please quote: FoIA/CRW/231209**

**Direct line: 01626 831068**

**14 January 2010**

Dear Mr Scaife

### **Information Request – Freedom of Information Act 2000**

I write with reference to your request for an internal review of a Freedom of Information request. I can confirm that I have been asked to review the Authority's response to your request.

Your initial request received on 16 December 2009 was as follows:

How many DNPA employees, if any, in the Planning Dept hold a Gun Licence, or take part in game shooting either as a gun, loader, beater or follower and what are their areas of responsibility within the DNPA?

The Authority's response was sent on 17 December 2009 in the following terms:

Thank you for your request for information as set out in the email below. The Authority is unable to provide this information as it is not recorded.

Your request for an internal review of this response was received by email on 23 December 2009 in the following terms:

I am writing to request an internal review of Dartmoor National Park Authority's handling of my FOI request "Gun licences held by DNP employees".

As the planning department is making decisions relating to game shooting in the Teign Valley woods that department should declare whether any of the DNP employees have an interest in game shooting in any way

The right under the Freedom of Information Act to request official information held by public bodies is subject to certain restrictions and exemptions. The Authority is under a legal duty to deal with your application in accordance with the legislation and in particular to provide a response as soon as practicable

#### **1. Duty to Confirm or Deny**

The Authority denies that it holds information relating to whether any DNPA employees currently hold or have held gun licences.

The Authority denies that it holds information relating to whether any DNPA employees take part in game shooting either as a gun, loader, beater or follower.

The Information Commissioner's Office has published a series of good practice guidance designed to aid understanding and application of the Freedom of Information Act 2000. *Awareness Guidance no.21* deals with the duty to confirm or deny. The guidance states:

*Section 1 of the Freedom of Information Act provides two distinct but related rights of access to information which impose corresponding duties on public authorities.*

*These are:*

- *the duty to inform the applicant whether or not information is held by the authority, and, if so*
- *the duty to communicate that information to the applicant*

I have reviewed the Authority's written records and I can confirm that no information is held relating to whether any DNPA employees hold a gun licence, or whether any DNPA employees take part in game shooting either as a gun, loader, beater or follower

## **2. Disclosure**

I have reviewed the Authority's written records and I can confirm that no central information is available in respect of the request. There is therefore no information to be disclosed in pursuance of section 1(1) of the Act.

## **3. Reasons**

The right under the Freedom of Information Act to request official information held by public bodies (the "*right to know*") is subject to certain statutory restrictions and exemptions.

The Authority does not have centralised or devolved records of the non work-related interests and activities of members of staff.

In reaching its determination the Authority has taken account of guidance published by the Information Commissioner and in particular *Awareness Guidance No.1 – Personal Information*; *Awareness Guidance No.3 – The Public Interest Test*; *Awareness Guidance No.21 – Duty to Confirm or Deny*

## **4. Your Rights**

Section 1 of the Freedom of Information Act gives you the right to know whether or not information is held by the Authority and the right to have that information communicated to you in a comprehensible form. A request for information under the Act must be dealt with before the expiry of the 20 day period starting on the day after a valid request is received and the appropriate fee is paid.

If you are aggrieved by the Decision and/or by the way you have been treated by any Officer of the Authority you should put your complaint in writing, marked "*Private and Confidential - Complaint*" to Dr.K.Bishop, Chief Executive, Dartmoor National Park Authority, Parke, Haytor Road, Bovey Tracey, Newton Abbot, Devon. TQ13 9JQ.

You can complain to the Information Commissioner on any of the following grounds:

- failure to provide the information you requested
- failure to respond to your request within 20 working days (or failure to explain why longer than 20 working days is needed)
- failure to give you proper advice and assistance
- failure to give information in the form in which you requested it
- failure to properly explain any reasons for refusing the request
- failure to correctly apply an exemption under the Act

The Information Commissioner recommends that if you are aggrieved, you should complain directly to the public authority itself. Only if the authority has no complaints procedure, or if you do not believe it has dealt with your complaint properly, should you contact the Information Commissioner. You should do this as soon as possible and in any case within two months following the final response of the public authority.

FOI/EIR Complaints Resolution  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely,

Christopher R Walledge  
**Head of Legal & Democratic Services**  
*email: cwalledge@dartmoor-npa.gov.uk*