



Steven Dickinson

Policy Delivery knowledgebase About Contact team

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FOI/EIR	FOI and EIR	Section/Regulation	s1, Part II exemptions reg 5, reg 12	Issue	Email attachments	
Line to take:						
<p>A request for an email should generally be interpreted as including any documents attached to that email.</p> <p>We will require public authorities to provide a written statement clearly identifying which documents were attached to each email.</p>						
Further Information:						
<p>If the withheld information includes multiple emails with attached documents, it may be difficult to establish which document (or version) was attached to which email. PAs often provide a bundle of printed emails (which simply list titles of attachments) and a bundle of associated documents, without clearly identifying which document corresponds to which email.</p> <p>However, we will usually need to identify which documents were attached to which email in order to determine what information is actually within the scope of the request. It may also be necessary to identify attachments in order to decide whether an exemption or exception is engaged.</p> <p>In such cases we will take the following approach to identifying attachments:</p> <ul style="list-style-type: none"> • There is no need for absolute certainty – the standard is the balance of probabilities (more likely than not). • We will generally require the PA to provide us with a written statement (ie a letter or email) which identifies which documents were attached to which emails. This statement should be from either (1) someone personally involved in the email chain or (2) someone with appropriate records management knowledge and access. We do not anticipate that this will be difficult, as emails are generally stored electronically and it should be straightforward for the PA to identify attachments within its electronic record management systems (or from the email folders of the individuals concerned). We can accept this written statement as sufficient evidence, unless there is any obvious evidence pointing to a different conclusion (eg the PA claims that the same document corresponds to different attachment titles, or their explanation is otherwise self-contradictory). In such cases the PA should be asked to explain the discrepancy, and the case officer will then need to make a judgement on whether it is more likely than not that we have the correct document. • If the PA cannot provide a satisfactory statement, but the case officer needs to correctly identify email attachments in order to know which documents are caught by the request (eg a request for all email discussions on a certain topic), we should consider issuing an Information Notice. (Alternatively, if we accept that the PA has conducted appropriate searches but is genuinely unable to identify the attachments, we can accept on the balance of probabilities that information on the attachments is not held. We should however consider raising concerns about the PA's records management.) • If the PA cannot provide a satisfactory statement, but we know that particular documents must be caught by the request, and the case officer needs to correctly identify whether they were email attachments in order to apply an exemption or exception, the PA has not established that the exemption or exception applies to any of the documents and we should find that it is not engaged for those documents. 						
Source				Details		
Policy Delivery						
Related CWANS				CWAN 005 (email chains)		
Related Documents						
Contact				LS		
Date				13/11/2012	Policy Reference	CWAN 006

- Information Commissioner's Office intranet