

Enquiries to: Information Team
Our Ref: FOI5826253



**Liverpool
City Council**

request-706380-e7c76f35@whatdotheyknow.com

Dear Ms & Mr Bett...

Freedom of Information Request 5826253

Thank you for your recent request.

With regard to the content of your submission, this comprises speculation, comment and expression of opinion in relation to individuals and seeks comment from individuals as opposed to information held by a public authority, for which purpose Freedom of Information legislation exists. This submission is therefore not a valid request for information in its entirety.

In relation to the comments and speculation you make relating to individuals –

Warning – Submission of Information Requests with potentially Defamatory Content

It is our assessment that the content of your statements within your request are in whole or part potentially defamatory in nature, that these identify or refer to individuals and are being published by yourself through the use of a public website forum to third parties.

We would further advise you that the defamatory statements made by yourself either directly or through recognised aliases and contained within the information requests referenced above fall within the meaning of Article 14(1)(a) of the E-Commerce Directive (2000/31/EC). Under the law of England and Wales, a defamatory statement is one which tends to lower the claimant in the estimation of right thinking members of society generally (Sim v Stretch [1936] 2 All ER 1237).

We would further advise that a defamatory statement is published at the place where it is read, heard or seen, and is not where the material was first placed on the internet. In internet cases, therefore, provided a small number of people have access to the material on the internet in England, the English courts will have jurisdiction to hear the claim against a foreign defendant (Spiliada Maritime Corp v Cansulex Ltd [1987] A.C. 460).

We would therefore advise that you take prompt action to remove or disabled access to the Offending Webpages.

In the event that this confirmation is not received, the individuals named directly or by implication within the above referenced information requests and publicly displayed on the Offending Websites shall reserve the right to issue proceedings against you seeking relief for defamation.

The remedies that may be available to the these individuals include an injunction restraining further publication of the Offending Statement [pending trial], damages, legal costs and interest.

Liverpool City Council Information Team
Cunard Building, Water Street, Liverpool, L3 1DS
E: informationrequests@liverpool.gov.uk

This concludes our response.

The City Council will consider appeals, referrals or complaints in respect of your Freedom of Information Act 2000 and you must submit these in writing to Informationrequests@liverpool.gov.uk within 28 days of receiving your response. The matter will be dealt with by an officer who was not previously involved with the response and we will look to provide a response within 40 days.

If you remain dissatisfied you may also apply to the Information Commissioner for a decision about whether the request for information has been dealt with in accordance with the Freedom of Information Act 2000. The Information Commissioner's website is www.ico.gov.uk and the postal address and telephone numbers are:- Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK95AF. Telephone 0303 123 1113. Email – mail@ico.gsi.gov.uk (they advise that their email is not secure)

We trust this information satisfies your enquiry.

Yours sincerely
Information Team