Our Ref: 001030

Date: 06 December 2021

FAO: Mr Richard Wells

**Re: Freedom of Information Act 2000 Request**

I am writing to you following a request on the 17th November for YPO to review a decision not to provide information under the Freedom of Information Act 2000 (“FoIA”).

This matter has now been fully reviewed in line with our internal processes. This includes a review of any discussions, emails or other communications between YPO and Waltham Forest Council and also between YPO staff and officers as well as the previous communications between YPO and yourself.

My findings are that we have reached an incorrect decision around the reasons to refuse your FoI request, which were cited as being sections 42 – legal professional privilege and 43 – commercial interest under the FoIA.

Your FoI request was as follows:

“Therefore, please can you provide me under the Freedom of Information Act with copies of any communications between the YPO and the Council and between staff and officers of YPO concerning the decision to extend the number of suppliers”

Following a thorough search as well as a review of the communications available, I have determined that YPO does not hold the information which you have requested. This means there is no grounds to refuse your request under sections 42 or 43 of the FOIA. Instead, the correct grounds that must be applied for refusing the request are as per section 1 of the FOIA – information not held.

Investigating the matter further as to why the incorrect exemptions have been applied, it is clear that since YPO supported Waltham Forest with the procurement process, communications between the parties do exist but that there are none regarding Waltham Forest’s decision to extend the number of suppliers, as this was a decision taken by the Council, not YPO.

In responding to your initial FoI request, YPO had misinterpreted this and had applied exemptions to under grounds section 42 and section 43 to communications not otherwise within scope of the request.

I would like to apologise for any part YPO have played in any distress, confusion or concern that you may have felt as a result of YPO’s handling of this FoI request.

As an aside I will be reviewing our internal handling of your FoI as on this occasion it seems to have fallen below the standard I would expect from YPO when meeting its statutory obligations.

If you remain dissatisfied with the internal review and outcomes relating to your FoI then the next steps should you wish to do so would be to raise a complaint with the ICO in regards to this matter.

Yours sincerely,

