

Please ask for: Lynn Wyeth
Direct line: (0116) 454 1300
Email: xxxx.xxxxxxxx@xxxxxxx.xxx.xx
Website: www.leicester.gov.uk
Our ref: Appeal Ref: 14708/14695
Date: 23 November 2017



Karen O'Neill

xxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxx.xxx

Dear Ms O'Neill

Freedom of Information Act 2000 (The Act, FOIA)

English Martyrs School Pipe Organ

Thank you for your email dated 06 November 2017 requesting a review into our response to your FOIA request (reference 14695).

I have now completed my internal review into this matter and my findings are outlined below:

Your original request for information (Our ref: FOIA 14695)

On 04 November 2017, the Council received the following request from you:

English Martyrs Catholic secondary school on Anstey Lane has 2 pipe organs.

Please can you advise when they were both purchased, how much they both cost and how many students are currently learning to play the pipe organ at the school.

The Councils response

The Council responded on 06 November 2017, explaining that it did not hold the information you requested.

You were advised to contact English Martyrs School directly to obtain this information and a link was provided to the published internet Schools Directory on the Council's website containing contact details for Leicester City Schools to help you to do this.

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Information Governance & Risk, Legal Services,
4th Floor, City Hall, 115 Charles Street
Leicester, LE1 1FZ
www.leicester.gov.uk

Your request for internal review

On 06 November 2017, the Council received the following email from you:

Dear Leicester City Council,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Leicester City Council's handling of my FOI request 'English Martyrs school pipe organs'.

As this school is maintained by Leicester city council, the council should be able to access this information.

The Council has interpreted your written expressions of dissatisfaction above as a request for internal review of its response to your request. Your request has been logged and acknowledged as such.

Before proceeding, it is worth clarifying that the Freedom of Information Act 2000 provides a right of access to information held by public authorities, subject to any exemptions or exceptions that may apply.

All disclosures are judged to be made to the wider world and not to a particular person for a specific purpose.

The FOIA also requires the Council to advise requesters whether or not it holds the requested information and to provide it, subject to any exemptions (lawful reasons to withhold information under the FOIA) that may apply.

In addition, Schools are classed as separate public authorities under the Act's provisions.

Whether maintained by the local authority or not, they are responsible for answering their own FOIA requests and the Council does not automatically hold (or have access to) the information they hold.

In circumstances where the Council receives a request for information relating to schools activities and in circumstances where the request relates to information held directly by the individual school (s), the Council is not required to either a) create information it does not hold in order to answer requests; or b) actively acquire this information from schools in order to answer a request for information.

Technical issues-compliance with Part 1 of the FOIA

I have reviewed the Council's original response for compliance with the requirements of Part 1 of the FOIA relating to the handling of requests for information.

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I find that your initial request was received and appropriately handled.

I also find that a response was sought from the relevant Council department; in this case, the Council Finance Service, responsible for monitoring the elements of school expenditure the Council has oversight of.

No information relevant to your enquiry was retrieved and a response was prepared and issued within the 20 working days allowed, thus complying with the requirements of Section 10 of the FOIA.

The response also provided information in its response regarding appropriate routes of further enquiry and appeal, thus meeting the requirements of Section 16 of the FOIA regarding advice and assistance provided to requesters and also Section 17 of the FOIA, that an appropriate refusal notice be issued.

My review of this aspect of the Council's original response therefore concludes that the Council complied with the requirements of Part 1 of the FOIA.

Technical issues-compliance with Part 2 of the FOIA

I have also reviewed the Council's original response in line with the Council's obligations with the requirements of Part 2 of the FOIA and specifically the appropriateness of any exemptions to disclosure (lawful reasons under the FOIA to withhold information from disclosure) applied to any part of the response.

No information relevant to your request is held and I therefore find that no exemptions from Part 2 of the FOIA to disclosure were applied to any part of your response as none were required.

My findings

I am satisfied that your request was handled correctly and that appropriate searches were made to retrieve information. Nothing related to your request was found.

Nothing relevant to your request is held by Leicester City Council and the Council's response explained that it did not actually hold information that you requested.

My conclusion

Having reviewed the Council's original response, I find this was compliant with the Council's legal obligations under the FOIA. Your request seems to relate to school costs regarding a piece of equipment and classes that it may or may not hold.

The Council does not record this information and you were directed to the school themselves for you to obtain the information.

I also find that the Council answered your questions asked fully, appropriately and accurately.

I therefore uphold the Council's previous response, namely that it cannot send you the information requested, as it does not hold it and that you need to enquire elsewhere as directed.

I also need to correct a misconception that you may have. Your request for internal review states that English Martyrs School is maintained by the local authority.

This is incorrect. English Martyrs is a Voluntary Aided School.

You have now exhausted the Council's internal appeals system in this matter.

Should you remain unhappy with the outcome of this internal review you may write to the:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 0303 123 1113

<https://ico.org.uk>

Yours sincerely

Lynn Wyeth

Head of Information Governance & Risk