

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 7 June 2011

Public Authority: Architects Registration Board
Address: 8 Weymouth Street
London
W1W 5BU

Summary

The complainant requested information about the Architects Registration Board's (ARB's) investigation of a complaint against a named architect. ARB disclosed the information it held. The complainant did not accept the assurances of ARB that no further undisclosed information is held. Following investigation, the Commissioner, on a balance of probabilities, accepted ARB's assurance that no undisclosed information is held and decided that ARB had complied with the Act.

The Commissioner's role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

Background

2. The complainant represents a village community group who commissioned work from a named architect ("the architect"). Difficulties arose and the complainant complained to ARB about the architect. The complainant subsequently requested information about ARB's investigation of his complaint.

The request

3. On 28 January 2010 the complainant asked ARB for:
- '...
1. Copies of 3 reports made by the Registrar accompanying our complaint to the [ARB] Investigations Committee. Approx Dates mid June 2008, mid Nov 2009, Late Dec 2009
2. Copy of minutes or voice recording of Investigations Committee's investigation of our complaint [reference number].'*
4. ARB issued a refusal notice on 23 February 2010. It stated that, with regard to request 1, only one report had been produced on behalf of ARB to the Investigations Committee, dated 5 February 2009, which was disclosed along with other relevant correspondence relating to the period specified. With regard to request 2, ARB said that it did not hold any minutes or voice recordings in relation to the investigation.
5. On 25 February 2010 the complainant requested an internal review and questioned why no further information was held concerning ARB's investigation of the complaint against the architect. ARB provided its review decision on 16 March 2010. ARB said that it held no minutes or voice recording relating to the complaint. ARB explained that the minutes of the meetings did not record the details of all individual case decisions as these were contained within the detailed decision documents issued by the Committee.

The investigation

Scope of the case

6. The Commissioner has determined the scope of this investigation to be whether or not ARB hold, and are withholding from the complainant, information falling within the scope of his information request.

Chronology

7. The Commissioner wrote to ARB and the complainant on 26 April 2010, and was in further communication subsequently during which ARB provided formal confirmation to the Commissioner that the complainant had been supplied with all of the information it held that fell within the scope of his request including correspondence between Investigation Committee members.
8. On 8 September 2010 ARB provided the Commissioner with a detailed explanation of its investigation processes and of how it had arrived at the conclusion that no further relevant information was held beyond that which it had already disclosed.
9. On 1 October 2010 a member of the Commissioner's staff told the complainant that the Commissioner was satisfied on a balance of probabilities that no further relevant information was held by ARB that fell within the scope of the request.
10. On 16 November 2010 the complainant asked the Commissioner what was the present situation. He re-sent a letter which he said he had sent to the Commissioner on 12 October 2010 but which the Commissioner did not appear to have received. He surmised that his complaint against the architect must have generated a considerable amount of correspondence within ARB and asked why ARB was refusing to release it.
11. On 25 November 2010 a senior officer of ARB provided formal written assurance to the Commissioner that ARB had reviewed the correspondence and repeated its assurances that the complainant had received all of the information requested.
12. On 13 December 2010 the complainant told the Commissioner that he had requested information about the five ARB investigations held before and after the ARB investigation into his own complaint in an attempt to test ARB's statement. ARB said that it did hold information about the additional cases which it refused to provide. The complainant told the Commissioner (IC reference FS50392789) that this demonstrated that ARB must, in his opinion, hold further information about his own complaint against the architect that it was failing to disclose. On 1 April 2011 and again on 25 May 2011 he said he continued to surmise that ARB must hold further undisclosed information.

13. On 24 May 2011 a senior ARB official re-confirmed to the Commissioner that it could add nothing to its previous assurances that no relevant information was held.

Analysis

14. In responding to this request, ARB disclosed all of the information which it claimed to have held, and did not rely on any exemptions. ARB explained its investigation process and why no more information was held. This included the detailed explanation of its investigation processes and enquiries which it provided on 8 September 2010, and strong and repeated verbal and formal written assurances from a senior officer provided to the Commissioner on 25 November 2010 and 24 May 2011. In the circumstances, the Commissioner accepts on the balance of probabilities that ARB holds no further information.

The Decision

15. The Commissioner has decided that ARB holds no relevant undisclosed information and that it has responded appropriately to the information request.

Steps required

16. The Commissioner requires no steps to be taken.

Right of Appeal

17. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: informationtribunal@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

18. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
19. Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is sent.

Dated the 7th day of June 2011

Signed

**Jon Manners
Group Manager**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Legal Annex

Section 1(1) provides that -

'Any person making a request for information to a public authority is entitled –

*(a) to be informed in writing by the public authority whether it holds
information of the description specified in the request, and*

(b) if that is the case, to have that information communicated to him.'