

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 15 June 2023

**Public Authority:** Thurrock Council  
**Address:** Civic Offices  
New Road  
Grays  
RM17 6SL

#### **Decision (including any steps ordered)**

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1. The complainant has requested various information about moving traffic offences. Thurrock Council ("the Council") stated that the information was not held.
2. The Commissioner's decision is that the Council does not hold the information.
3. The Commissioner does not require further steps.

#### **Request and response**

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4. On 7 February 2023, the complainant wrote to the Council and requested information in the following terms:

**"Could you please provide me with the following details:**

**Junction 31 M25 Purfleet Interchange.  
Yellow Box restrictions.**

- 1. The budgeted financial cost of installing the necessary signage and ANPR Technology for the initial location.**

- 2. Details of who is to be managing the ANPR technology and issuing the notices for the initial location.**
  - 3. The overall cost of managing the enforcement of this scheme to the 31st March 2024 for the initial location.**
  - 4. Details of the projected income forgone during the first 6 months of the scheme, due to the delivery of warning notices rather than penalty notices.**
  - 5. Details on the amount the penalty notice will be in £ and any early payment discount in £ offered.**
  - 6. The projected amount of income to be received during the period to the 31st March 2024, from the initial location being in operation.**
  - 7. Details of any planned or suggested additional sights for similar use of technology in the Thurrock Borough Council area, if the initial scheme is successful.**
  - 8. Copy of the application to the Department for Transport, requesting the granting of powers to run this initial scheme.”**
5. The Council responded on 3 March 2023. It stated that no information was held.
  6. Following an internal review, the Council wrote to the complainant on 3 April 2023. It provided a more detailed response in which it clarified that no information was held for parts 1-7, and that the information sought by part 8 was held but could not be disclosed (although no relevant exemption was cited).
  7. The Council provided a further response on 5 May 2023, in which it disclosed the information sought by part 8.

## **Reasons for decision**

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### **Section 1 – General right of access to information**

8. Section 1(1) of the FOIA states 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.**

9. Section 1(1) requires that any person making a request for information to a public authority must be informed in writing by the public authority whether it holds information relevant to the request, and if so, to have that information communicated to them. This is subject to any exclusions or exemptions that may apply.
10. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal (Information Rights) decisions, applies the civil standard of the balance of probabilities.
11. In other words, in order to determine such complaints, the Commissioner must decide whether on the balance of probabilities a public authority holds any - or additional - information which falls within the scope of the request (or was held at the time of the request).
12. The complainant considers that the Council holds the information sought by parts 1-7 of the request.
13. In this case the Council has confirmed that it does not hold the sought information for the purposes of section 1(1).
14. The Council has stated to the Commissioner that it does not logically expect any information to be held **"as the process of budgeting, procurement and management for the project has not taken place, no decisions on these subject areas have been made by the Local Authority at this time."**
15. The Council has further stated to the Commissioner that **"we have yesterday, 27<sup>th</sup> April 2023, received confirmation that the Local Authorities application to be included in the legislation has been accepted. Therefore, the process of detailed decisions will now take place by the Senior Leadership Team of the Local Authority. This is anticipated to be completed by September 2023, with various steps taking place between now and that date."**
16. The Commissioner has considered the Council's explanation and understands that steps by it to hold the information sought by parts 1-7 would only be undertaken following the relevant application to the Department for Transport being granted. Whilst such information may therefore be held in the future, it was not held at the time of the request.

17. There is no conflicting evidence available to the Commissioner that indicates the Council's position on this case is incorrect.
18. The Commissioner has therefore concluded that, on the balance of probabilities, the information is not held.

## Right of appeal

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19. 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,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Daniel Perry**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**