



Information Commissioner's Office

Upholding information rights

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF  
Tel. 0303 123 1113 Fax. 01625 524 510 www.ico.org.uk

**Our Ref: PCB/0032/2018**

Mr Paul Atkinson  
Lewannick Parish Council,  
Alisa,  
Medrow,  
Polyphant,  
Launceston,  
Cornwall,  
PL15 7PS

Email: paullewannick@aol.com

30 January 2019

Dear Mr Atkinson,

I write to inform you of the decision taken by the Information Commissioner's Office (ICO) in relation to the case referenced above.

As you are aware the Criminal investigation Team has been investigating an allegation of a S.77 criminal offence contrary to the Freedom of Information Act 2000 that was made against Lewannick Parish Council.

Enquiries to establish whether such an offence may have occurred, and if so to gather necessary evidence to prove such an offence have been pursued. As a result a meeting was held with the Criminal Investigation Team Manager to discuss the progression of this case.

As a result of these discussions it has been decided that there is insufficient evidence to substantiate the allegation that an offence contrary to S.77 has been committed by Lewannick Parish Council, and that there is insufficient evidence to warrant further investigation at this stage.

The below information is provided to you in order to assist in demonstrating the rationale for the decision that has been made by the Criminal Investigation Team:

*It is first important to point out that Enquiries conducted by the ICO confirm that documentation published on the Lewannick Parish Council (LPC) website had been altered from the original audit documentation that was provided to LPC by Grant Thornton UK LLP on the*



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*Conclusion of their audits for years 2015/2016 and 2016/2017. The changes that had been made were to remove auditor's comments which highlighted that additional recommendations had been made on continuation sheets. The continuation sheets with recommendations and failings of the Council were not published online.*

*Whilst the investigation indicates that alterations have been made to the relevant documentation, and that these altered documents have been published online, in relation to a potential S.77 FOIA offence the ICO at this time are unable to evidence that alterations were made to the audit documents subsequent to an FOI request being submitted by [REDACTED]*

Whilst the ICO Criminal Investigation Team will not take further action in relation to the alleged S.77 offence, the case will be referred back to the Freedom of Information Team within the ICO to consider providing advice and guidance regarding the processes and practices of LPC. During the investigation conducted by the Criminal Investigation Team it has become apparent that LPC may lack appropriate formal processes and record keeping practices to document decisions made and actions taken by those involved in the Council.

To confirm in relation to the allegation of a criminal offence contrary to S.77 of the Freedom of Information Act no further action will be taken by the Criminal Investigation Team and the case will be referred to the Freedom of Information Team within the ICO for further progression. In line with our Regulatory Action Policy the criminal case will be closed.

If you wish to discuss the matter further please feel free to get in touch.

**Please quote the reference number PCB/0032/2018 in any correspondence with this office.**

**Should you be responding electronically please copy in the following email address: [Crimson@ico.org.uk](mailto:Crimson@ico.org.uk)**

In accordance with the Victims' code you are entitled to request a review of this decision within three months of the date of this letter.



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Further information on the Right to Review Scheme can be found at:

<https://ico.org.uk/media/about-the-ico/policies-and-procedures/1560152/ico-right-to-review-scheme-for-victims-of-crime.pdf>

Further guidance and information can be found on the ICO website [www.ico.org.uk](http://www.ico.org.uk) in relation to:

- *The ICO Regulatory Action Policy*
- *Victims code*
- *ICO privacy notice*

If you require any assistance regarding the above or would like to receive the information in an alternative format please let me know.

Yours sincerely,

Rachael Lee

**Criminal Investigation Officer  
(Criminal Investigations Team)  
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<sup>1</sup> Victim: a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence. This definition can include close family members, where the victim is a minor. We will also include businesses where there is an identifiable person who can represent the business. In data protection offences, this will often be the data controller.