

From: freedomofinformation@kent.gov.uk
Subject: RE: Information request (ref: 23787341)
Date: 29 September 2021 at 15:53
To: hugh@craddocks.co.uk
Cc: kcc.information@email.icasework.com



Dear Mr Craddock,

Further to your correspondence below I have been tasked with carrying out an independent review of the Council's response to your original request for information; this is in accordance with your rights under the Environmental Information Regulations (EIR).

I have discussed this issue with the Archives Centre team, who provided the following response:

KCC's answer below responds to your request for 'a copy of all digitised tithe maps for the county of Kent, to be supplied in electronic form on a portable hard disk, or alternatively to be made available for download on a file transfer facility. I will on request supply a portable hard disk for this purpose. I am content to receive the data for each tithe map as a number of individual components in image files.'

With regards to the following clause and sub-clauses of the EIR –

- 6.(1) Where an applicant requests that the information be made available in a particular form or format, a public authority shall make it so available, unless—
- (a) it is reasonable for it to make the information available in another form or format; or
 - (b) the information is already publicly available and easily accessible to the applicant in another form or format.

KCC is clear that these have been met, as the information you request is 'already publicly available and easily accessible to the applicant' also in the format you request which is 'in electronic form'.

Your request for copies of the documents is a distinct matter because they are already freely available for access, in your required format, in a public building. The Environmental Information Regulations allow public authorities to charge for making copies of environmental information;

- 8.— (1) Subject to paragraphs (2) to (8), where a public authority makes environmental information available in accordance with regulation 5(1) the authority may charge the applicant for making the information available.
(2) A public authority shall not make any charge for allowing an applicant

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- (a) to access any public registers or lists of environmental information held by the public authority; or
- (b) to examine the information requested at the place which the public authority makes available for that examination.

Kent County Council does not charge for access to the catalogue of documents

Kent County Council does not charge for access to the catalogue of documents held by the Kent Archive Service which can be found at Kentarchives@gov.uk nor does it charge to examine the information requested at the place which the public authority makes available for that examination, the archive search room at the Kent History and Library Centre.

A charge therefore can be made for the request to receive a copy of the information rather than 'to examine the information requested at the place which the public authority makes available';

(3) A charge under paragraph (1) shall not exceed an amount which the public authority is satisfied is a reasonable amount.

The charge for a copy of the digitised image of a tithe map is calculated by the staff time including overhead costs, incurred when preparing information to be supplied in response to a specific request. This includes time spent locating, retrieving, and extracting the information and putting it into the required format. The costs incurred when printing or copying the requested information and sending it to the applicant are also included in the charge.

(4) A public authority may require advance payment of a charge for making environmental information available and if it does it shall, no later than 20 working days after the date of receipt of the request for the information, notify the applicant of this requirement and of the amount of the advance payment.

(5) Where a public authority has notified an applicant under paragraph (4) that advance payment is required, the public authority is not required—

(a) to make available the information requested; or

(b) to comply with regulations 6 or 14,

unless the charge is paid no later than 60 working days after the date on which it gave the notification.

Having considered the response above, I am in support of the decision that has been reached and therefore cannot uphold your complaint. I appreciate that this will be disappointing, especially given your geographical location as described in your previous email, but public authorities must conduct themselves consistently and the protocols that are followed are in place for good reason. The Kent History and Library Centre will be happy to hear from you if you wish to make an appointment to come and view the tithe maps or request copies of said maps in line with the previously provided processes.

I trust that this explanation is satisfactory. However, if you are still unhappy, you can appeal to the Information Commissioner, who oversees compliance with access to information legislation including the Freedom of Information Act 2000, Environmental Information Regulations 2004, Data Protection Act 2018 & General Data Protection Regulation. Details of what you need to do, should you wish to, pursue this course of action, are available from the Information Commissioner's website <https://ico.org.uk/make-a-complaint/>, or you can phone the ICO Helpline on 0303 123 1113.

Yours sincerely

Hannah Rumball | Information Governance Specialist | Information Resilience & Transparency Team | Kent County Council | Room 2.87, Sessions House, Maidstone, ME14 1XQ | [Access to Information](#) | Please see our [Information Rights Privacy Notice](#) for details of how we process your personal data in line

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-----Original Message-----

From: Hugh Craddock <hugh@craddocks.co.uk>

Sent: 06 September 2021 10:44

To: Freedom of Information - KCC <freedomofinformation@kent.gov.uk>

Subject: Re: Information request (ref: 23787341)

Dear Ms Rumball

Thank you for your email of 3 September in relation to my information request. I can quite understand that, to offer a denial of access to information in the form required by the 2004 Regulations (or for that matter, the 2000 Act) may on occasion seem officious. Perhaps the answer is to provide a response in accordance with the regulations (or the Act) in an annexe?

I do now wish to ask for an internal review. You confirm that my request has been refused pursuant to r.6(1) — I assume that, strictly, the refusal is pursuant to r.6(1)(b), viz: 'the information is already publicly available and easily accessible to the applicant in another form or format.' Further to that ground, you say that this is, 'because the information is already publicly available direct from the Kent History and Library Centre in a format that reduces bandwidth pressures on KCC's network, as the maps are very large. Whilst access does need to be organised by contacting the Centre direct, the information is not being withheld and was already available to you outside of the provisions of the EIR.'

In response, I make the following comments which I ask you to take into account in conducting the internal review.

- i) I live in Epsom, Surrey, and a journey to Maidstone to view the requested information involves a two-and-a-quarter hour journey by train, and a peak-time fare of £38.20 (in order to arrive sooner than 11:45).
- ii) The Kent County Archives have been closed for much of the pandemic, and continue to be restricted in terms of number of readers able to book per session even now.
- iii) The Archives makes the information available to view on a computer screen. It is not possible to make copies (except, perhaps, by photographing the screen, which would be wholly unsatisfactory and quite possibly contrary to rules of the Archives).

The information therefore plainly is not 'easily accessible to the applicant'. It is not easy for me to obtain the information in terms of physical displacement from where I live, and even if a visit is made, I cannot obtain the information in a form which is suitable for research.

I require access to the information in order to conduct research into historical rights of way, which is done on a voluntary basis for a charity. For this purpose, I need high quality copies of individual tithe maps. I estimate that I have done research into more than thirty ancient parishes in Kent, and expect to continue research into many more parishes. However, if I visit the Archives to view the information, I can, at best, take

photographic screen shots of the information on a single parish-by-parish basis, which is time-consuming, potentially in breach of rules, and poor quality compared to the digital medium in which the information is stored. It is also singularly pointless, as the information which I wish to obtain has already been digitised, is then displayed in a visual medium, photographed, and then rendered back into a digital medium of greatly inferior quality,

Your refusal also states that viewing at the Archives, 'reduces bandwidth pressures on KCC's network'. But I made a request which would have no impact on bandwidth pressures. My request offered to supply a portable hard disk onto which the images might be uploaded, which can be done on-site without any requirement for network or internet capacity.

I therefore await a response to your internal review of my request.

regards

Hugh Craddock