

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 May 2026

Public Authority: London Borough of Wandsworth
Address: Town Hall
Wandsworth High Street
London
SW18 2PU

Decision (including any steps ordered)

1. The complainant has requested information about the Access for All scheme. The London Borough of Wandsworth ("the Council") refused the request with reliance on section 22 of FOIA (information intended for future publication).
2. The Commissioner's decision is that the Council was not entitled to rely on section 22 to withhold information within scope of parts 1(b) to (f), 1(h) and 3 of the request as the information was not held at the time the request was received, therefore the exemption cannot apply. The Commissioner finds that the Council failed to engage section 22(1)(b) in respect of parts 1(a) and (g) of the request, therefore the exemption cannot apply.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Provide the complainant with a fresh response to parts 1(a) and (g) of the request. Specifically, the Council is required to provide the complainant with total usage data from the date that these services were offered under the Access for All scheme until the date the request was received.
4. The public authority must take these steps within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 25 March 2025, the complainant wrote to the Council and requested information in the following terms:

"I am writing to request information under the Freedom of Information Act 2000 regarding the Access for All (AFA) programme.

Please provide a year-by-year breakdown (from programme inception to present) of usage data for all services funded or subsidised through the Access for All reserve.

Specifically, I am requesting:

1. For each financial year, the number of unique users and total instances of use for each AFA-supported service, including:
 - (a)• Leisure services (gym, swim, sports facility access)
 - (b)• Library services (printing, room hire, courses)
 - (c)• Registration services (certificate and ceremony discounts)
 - (d)• Bereavement services (discounted funerals)
 - (e)• Environmental services (waste, pest control, bins, garden waste)
 - (f)• PSAD (Putney School of Art & Design) AFA-supported enrolments
 - (g)• Community/cultural events (e.g. fireworks, LBOC) – ticket use
 - (h)• Baby box distribution – recipients and eligibility
2. If available, a postcode-level or demographic breakdown of service users.
3. Any internal evaluation reports or summaries on AFA uptake and reach.

If the request exceeds the cost limit, please advise on how to narrow the scope."

6. The Council responded on 24 April 2025. It stated that it was refusing the request with reliance on section 22 of FOIA. The Council explained that it intended to publish data on the Access for All scheme in a Cabinet report in September 2025. The Council stated that the public interest favoured maintaining the exemption.
7. On 10 May 2025 the complainant requested an internal review in the following terms:

"1. Lack of clarity on the scope and granularity of future publication
The response does not specify whether the intended Cabinet report in September 2025 will include the full level of detail I requested, including:

- Annual usage figures for each AFA-supported service;
- Postcode-level or demographic breakdowns;
- Internal evaluations or summaries on programme uptake.

Section 22 may only be applied if the specific information requested is intended for publication at the time of the request. It is not clear from your response whether this applies to all aspects of my request. If only some of the requested data is to be published, the remainder should be disclosed unless another valid exemption applies.

2. Extended delay before publication weakens public interest justification
The intended publication date is at least four months after the original request (March to September). ICO guidance is clear that the longer the delay before publication, the greater the public interest in early disclosure.

3. Inadequate public interest test

While your response mentions a public interest test was conducted, it does not set out any specific evidence of harm that might result from early release. ICO guidance states that the public interest must be assessed specifically in relation to Section 22 — i.e. whether harm would arise from releasing the data before its scheduled publication. Procedural convenience, internal workflows, or fairness to councillors are not sufficient justification.

4. No consideration of partial disclosure

If certain parts of the requested information (e.g. postcode-level data or internal evaluations) are not included in the upcoming report, then those elements should be disclosed now or separately assessed under other relevant exemptions. The current response does not address this.”

8. Following an internal review the Council wrote to the complainant on 10 June 2025. It stated that was maintaining its position. The Council explained:

“We will provide an update report on the progress of the Access for All scheme to Cabinet in September 2025. The update will provide information on the number of Access for All membership registrations and some analysis of demographics and geography. The update will also include a summary of the uptake of individual Access for All offers. This will be five months after the formal launch of the expanded scheme, allowing time for the expanded scheme to bed-in and give a fair reflection on progress. Any update provided now would be premature and only provide a partial picture.”

Scope of the case

9. The complainant contacted the Commissioner on 12 August 2025 to complain about the way their request for information had been handled.

10. On 22 September 2025 the Council published a cabinet report titled "Update on the Progress of the Council's Access for All Programme, Paper No. 25-322"¹
11. In light of the publication, the Commissioner wrote to the complainant to query whether they wished to progress their complaint. The complainant confirmed that they did.
12. The Commissioner considers that the scope of his investigation is to determine whether the Council was entitled to rely on section 22 of FOIA to refuse parts 1 and 3 the request. As information within scope of part 2 of the request was made publicly available during the course of the investigation, the Commissioner will not be considering the handling of this element of the request in this decision.

Reasons for decision

13. Section 22(1) of FOIA says that information is exempt information if:
 - (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not)
 - (b) the information was already held with a view to such publication at the time when the request for information was made, and
 - (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in (a)."
14. For section 22 to apply, the public authority must, at the time it received the request, have had a settled expectation that the information would be published at some future date, even if no precise date has been set, and it must be reasonable, under the circumstances, to withhold the information until this date.
15. Effectively, each limb of the legislation must be engaged for the exemption to apply.
16. Section 22 is a qualified exemption which means it's subject to the public interest test.

¹ [Cabinet-Update-on-the-Progress-of-the-Councils-Access-for-All-Programme-Paper-No.-25-322-1.pdf](#)

The Complainant's position

17. In an email to the Commissioner the complainant outlined their grounds of complaint in the following terms:

“Ground 1: The historical data was never published

The FOI requested year-by-year usage data from programme inception. Access for All Phase 1 launched in July 2023. Paper 25-322 covers only May to August 2025 – the first four months of Phase 2. Nearly two years of Phase 1 operational data (July 2023 to April 2025) appears nowhere in the paper. Paragraph 3.32 references Phase 1 only to note that £383,000 was spent; no usage figures for that period are provided. The council withheld data going back to 2023 on the basis that it would be published in September 2025. It was not.

Ground 2: Usage counts are not the same as unique user data, and the council's own system makes both available

The FOI requested both the number of unique users and total instances of use for each service. Paper 25-322 provides only monthly transaction counts. These are not the same thing. A scheme that records 29,775 leisure centre visits could represent broad community reach or a small group of heavy repeat users – the distinction is fundamental to any honest assessment of whether a publicly funded scheme is achieving its stated aims.

This matters because Access for All is not an anonymous entry system. Paper 25-322 paragraph 3.15 describes how every use of the scheme requires a member to present a QR-coded membership card, which “allows services to bring up a live profile of the member.” Every transaction is therefore logged against a unique Member ID. The council's own database links each service use to a named, individually identified member. Unique user counts per service are straightforwardly derivable from that system – indeed, the ward-level and eligibility breakdowns in Appendix A demonstrate that the council is already querying this database to produce exactly this kind of aggregated analysis.

[Redacted] is not seeking personal data about individual members. The information requested is aggregate statistical data: how many distinct individuals used each service, and what the distribution of usage looks like. This is precisely the information a scrutinising public and accountable press need to assess whether a £4.85m scheme described as “Britain's Best Concession Scheme” is genuinely reaching the population it is designed to serve, or concentrating its benefit among a smaller group of repeat users.

Ground 3: Several services requested were not covered at all

The FOI specifically requested data for environmental services including waste, pest control, bins, and garden waste. Paper 25-322 Appendix B provides data for pest control only (33 uses). No data is provided for waste collection, bin-related services, or garden waste. The paper also contains no data for hall hire, which Appendix B records as zero across all four months – raising the question of whether the offer was in fact operational, not whether data exists.

Ground 4: No internal evaluation was published

Question 3 of the FOI requested any internal evaluation reports or summaries on AFA uptake and reach. Paper 25-322 paragraph 5.1 explicitly states that a formal survey of members “will be completed in the second half of the year.” This is an admission that no such evaluation existed at the time of publication. Question 3 was not answered by the Cabinet paper and has never been addressed.

Conclusion

The Section 22 exemption has lapsed. The publication it was invoked to protect did not contain the information requested across all four grounds above. No alternative exemption has been identified or argued by the council at any stage. [Redacted] asks the Commissioner to investigate and issue a Decision Notice requiring disclosure of the outstanding information.

The Council’s position

18. The Council outlined its position in the following terms:

“As a newly expanded Council programme, it was always the intention to provide an update to Cabinet after a suitable period to allow the scheme to bed-in. The initial committee report setting out the framework for the Access for All scheme was published in July 2024² and included a commitment to evaluating the impact and take-up of the scheme. This report did not set a timetable for publishing an initial evaluation, as it was not yet known when the scheme would be fully up and running. The initial FOI request was received on 26 March 2025, before the extended version of the Access for All scheme had launched. At the time the request was received, Access for All offers were active in only two out of the eight service areas mentioned in the request (leisure services and community/cultural events). The expanded Access for All scheme launched on 29 April 2025, and as our initial response to the Freedom of Information Request sent on 24 April

² [Access for All.pdf](#)

2025 stated, we intended to publish an update report in September 2025. This allowed us to report more comprehensive data from over the initial four months take-up and membership data (in line with that requested by the FOI), and this report is publicly available on the Council's website³.

The Council still believes that the public interest lay in withholding the information when the FOI request was received, as publishing the information in a report to elected members, which is published on the Council's website is accepted practice, timely and fair all round including to other members of the public and elected members. The publication of such a report is part of the normal and routine business of the Council and is consistent with the Council's publication scheme. The report was due to be published on the Council's public website and would therefore, be freely available to the requestor and the public in general.

In reaching this decision, the Council had regard to the public interest factors set out in ICO guidance and decision notices on Section 22 (including IC-311868-T7Y4⁴ and IC-382907-C7K3⁵, which recognise the public interest in and reasonableness of withholding information intended for future publication in order to support fair, orderly and coherent disclosure. The Council considered that there was a public interest in avoiding the piecemeal release of less contextualised / comprehensive data ahead of a planned report and in ensuring that information about a complex programme was published with appropriate context and made available simultaneously to all members of the public. The Council therefore, concluded that, at the time the request was received, the public interest in maintaining the exemption outweighed the public interest in immediate disclosure."

19. The Commissioner contacted the Council and asked it to clarify what information within scope was held at the time the request was received. He notes that phase two of the Access for All scheme went live in April 2025, and sport pitch concession and bereavement service offers were delayed until July and August 2025.

20. In response, the Council stated:

"At the time the initial FOI request was received data was held on the number of bookings for Council leisure services (gym, swim, sports

³ [Access for All Cabinet Report 22 07 25 v2.pdf](#)

⁴ [ic-311868-t7y4.pdf](#)

⁵ [ic-382907-c7k3.pdf](#)

facilities access) and community / cultural events in the period July 2023 - February 2025.”

21. The Commissioner also asked the Council to confirm whether information was held at the level of granularity requested by the complainant at the time the request was received, as data on unique instances of service use was not included in the Cabinet report.

22. The Council explained:

“The data on the number of unique users is not held by the Council. The membership card does not log the information in the manner suggested by the complainant - the QR code allows services to bring up a live profile to check that the cardholder still has a valid membership, but does not log individual usage. The ward level and eligibility breakdowns in Appendix A are based on the overall membership database.”

23. Finally, the Commissioner asked the Council to confirm whether it held any internal evaluations of the type sought by the request at the time it was made. The Council confirmed that it did not hold any internal evaluation reports at the time the request was received.

The Commissioner’s Position

24. The Commissioner finds that the Council cannot engage section 22 in relation to information within scope of parts 1(b), (c), (d), (e), (f) and (h) of the request on the basis that this information was not held at the time the request was received, therefore the exemption does not apply. This is because the Access for All scheme had not yet been offered in these service areas.

25. The Commissioner has reviewed the Cabinet report of September 2025 and notes that information within scope of parts 1(a) and (g) of the request, while confirmed to have been held by the Council at the time the request was received, is not featured. As highlighted by the complainant, the data included in the report relates to the period May to August 2025, postdating the request and therefore falling out of scope. Accordingly, the Commissioner finds that section 22 cannot apply to this information, as it appears that the Council did not intend to publish it and has therefore failed to engage section 22(1)(b).

26. The Commissioner is satisfied that the Council does not hold granular unique instances of use data for the reasons given at paragraph 22 above.

27. The Commissioner finds that section 22 is not engaged in relation to information within scope of part 3 of the request on the basis that it was not held at the time the request was received, therefore the exemption does not apply.

28. As the Commissioner finds that the exemption is not engaged, he has not considered the public interest test.
29. The Commissioner requires the Council to provide the complainant with a fresh response to parts 1(a) and (g) of the request as described at paragraph 3 above.
30. He is satisfied that information within scope of parts 1(b) to (f), 1(h) and 3 is not held and he doesn't consider it necessary for the Council to provide the complainant with a fresh response confirming this to be the case.

Right of appeal

31. 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)
General Regulatory Chamber
PO Box 11230
Leicester
LE1 8FQ

Tel: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

32. 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.
33. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Jonathan Slee
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF