

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

Dated 5 July 2005

**Name of Public Authority:** Nottingham City Council  
**Address of Public Authority:** The Guildhall  
South Sherwood Street  
Nottingham  
NG1 4BT

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 8 January 2005 the following information was requested from Nottingham City Council (the "Council") under section 1 of the Freedom of Information Act 2000 (the "Act"):

- "All documents concerning the handing over of the former Margaret Glenn Bott School to Bluecoat. This should include enquiries from members of the public and responses to them and details of who was consulted."
- "All contracts and other agreements between any public body and Bluecoat."
- "Any agreements between Bluecoat School and the Council regarding the use of land and buildings on the former Margaret Glenn Bott site."

It is alleged that:

- (1) The Council did not confirm or deny that they held the information specified in the request.
- (2) The Council did not respond within twenty working days.
- (3) The Council did not issue a refusal notice which claimed one of the exemptions listed in the Act.
- (4) The Council did not redirect the applicant to the public authority who might hold the information specified in the request.

#### **The Commissioner's Decision**

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner has under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

(1) In their letter to the complainant dated 15 February 2005 the Council confirmed whether the information specified in the request was held. In doing this they complied with their duties under section 1(1) of the Act. Section 1(1) states:

“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.”

(2) In responding to the request on 15 February 2005, the Council breached section 10(1) of the Act. Section 10(1) states:

“...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

(3) In their letter to the complainant dated 15 February 2005 the Council stated that some of the information specified in the request was subject to one of the exemptions listed in Part II of the Act. In doing this they complied with their duties under section 17(1) of the Act. Section 17(1) states:

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which –

- (a) states that fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies.”

(4) In their letter to the complainant dated 15 February 2005 the Council advised the complainant that the information may be held by Bluecoats School and provided a contact address. In doing this the Council complied with section 16(1) of the Act. Section 16(1) states:

“It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.”

### **Action Required**

On 15 February 2005 the complainant was sent a response to his request. In view of this no further action is required to be taken by Nottingham city Council in relation to the complainant’s request.

**Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 5th day of July 2005

Signed: .....

Graham Smith  
Deputy Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF