

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 8th August 2005

Name of Public Authority: Guildford Borough Council

Address of Public Authority: Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 28th January 2005 the following information was requested from Guildford Borough Council under section 1 of the Freedom of Information Act 2000 (the "Act"):

The dates on which recycling boxes were issued to the complainant's neighbours and the reasons why the Council is discriminating against the complainant by not issuing the recycling boxes to him.

It is alleged that Guildford Borough Council:

- 1: did not respond to the complainant's request within 20 working days, and
- 2: failed to provide information relating to the exact dates when the boxes had been delivered.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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. The complainant made his request by letter dated 28th January 2005. Guildford Borough Council did not reply to the request until 15th March 2005. Guildford Borough Council has therefore not dealt with the complainant's request in accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1).

Section 10(1) of the Act 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."

2. Guildford Borough Council has been able to confirm the time period within which the boxes were delivered across the whole Borough. However, they have stated that they do not hold records of when each street within the Borough received boxes. The Commissioner is satisfied that this is the case and has therefore decided that Guildford Borough Council has complied with section 1(1) of the Act.

Section 1(1) of the Act 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.”

Action Required

In view of the above the Information Commissioner does not require that any remedial steps be taken by Guildford Borough Council.

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: informationtribunal@dca.gsi.gov.uk
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 8th day of August 2005

Signed:

Richard Thomas
Information Commissioner

Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF