

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 5th October 2005

Name of Public Authority: **The Governing Body of Ashcombe
Primary School**

Address of Public Authority: **Earlham Grove
Weston-Super-Mare
Somerset
BS23 3JW**

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 11 January 2005 the following information was requested from the Governing Body of Ashcombe Primary School (the "School") under section 1 of the Freedom of Information Act 2000 (the "Act"):

"...copies of all correspondence regarding the felling of trees at the school."

It is alleged that the School did not respond to the request within twenty working days.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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:

The complainant states that a response from the School was received, delivered by hand, on 20 April 2005. The School asserts that it delivered the response on 18 April 2005. In any event, the Commissioner considers that the School has therefore breached section 10(1) of the Act. Section 10(1) states:

"Subject to subsections (2) and (3), 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."

Action Required

In view of the fact that the School subsequently responded to the complainant's request the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by the School.

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 5th day of October 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF