

**FREEDOM OF INFORMATION ACT 2000 (SECTION 50)**

**DECISION NOTICE**

**Dated 16<sup>th</sup> December 2005**

**Name of Public Authority: Richmondshire District Council**

**Address of Public Authority: Swale House  
Frenchgate  
Richmondshire  
North Yorkshire  
DL10 4JE**

**Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 27<sup>th</sup> May 2005 the following information was requested from Richmondshire District Council ("the Council") under section 1 of the Freedom of Information Act 2000 (the "Act"):

Details of payments made by Richmondshire District Council to various solicitors, costs incurred in relation to defending a private defamation case, and details of any efforts to recover this money by the Chief Financial Officer.

It is alleged by the complainant that the Council holds the information requested but has failed to provide it in accordance with the requirements of the Act.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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

On 10<sup>th</sup> June 2005 the Council informed the complainant that no payments have been made in respect of the private matters of any officer employed by the Council. Consequently, the information requested by the complainant is not held by the Council.

The Commissioner has been assured by the Council that the complainant has been provided with a full and accurate response to his request.

Having examined the information available the Commissioner is satisfied with the assurances given by the Council and considers that the complainant's request has been dealt with in accordance 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**

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 Richmondshire District 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: <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 16th day of December 2005

Signed: .....

Richard Thomas  
Information Commissioner  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF