

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

Dated 13th December 2005

**Name of Public Authority:** John Willmott School  
**Address of Public Authority:** Reddicap Heath Road  
Sutton Coldfield  
West Midlands B75 7DY

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 23 May 2005 the following information was requested from John Willmott School (the "School") under section 1 of the Freedom of Information Act 2000 (the "Act"):

"The minutes of the meeting(s) at which the present Chair of the Board of Governors was appointed and confirmation of the duration of the post."

It is alleged that the School failed to either communicate the information specified in the request or provide a valid reason for refusing the request within the statutory twenty working day time limit.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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

Following receipt of the request, the School wrote to the complainant by letter dated 13 June 2005 and confirmed the duration of the term of office of the Chair of Governors. This response made no reference to the substantive element of the request for specific minutes of meetings. The complainant wrote to the School again on 14 June 2005, enclosing a copy of his initial request and asking that the School provide him with the specified information.

The complainant contacted the Commissioner's Office by letter dated 1 November 2005 and confirmed that he had not received a proper response to his request. Following the intervention of the Commissioner's Office, the

School sent a response to the complainant by letter dated 9 November 2005 enclosing the information requested.

The Commissioner's decision in this case is that the School did not deal with the complainant's request in accordance with the requirements of Part I of the Act in that it failed to either comply with section 1(1) or section 17 within the time limit set out in section 10(1) of the Act, and the Freedom of Information (Time for Compliance with Request) Regulations 2004.

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."

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."<sup>1</sup>

Section 17(1) of the Act 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 an a claim that the 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."

### **Action Required**

In view of the matters referred to above the Commissioner hereby gives notice that he does not require any remedial steps to be taken by John Willmott 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

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<sup>1</sup> In the case of a maintained school, twenty school days following the date of receipt or sixty working days following the date of receipt, whichever is the earlier.(see reg3 of The Freedom of Information(Time for Compliance with Request) Regulations SI 2004 No3364.)

**Reference: FS50083896**

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 13th day of December 2005

Signed: .....

Richard Thomas  
Information Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF