

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

Date: 25 February 2010

**Public Authority:** Bolton Council  
**Address:** Town Hall  
Civic Centre  
Bolton  
Lancashire  
BL1 1RU

### Summary

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The complainant submitted a request to Bolton Council ('the Council') for the names and job titles of officers who had authorised payments listed in invoices. The Commissioner's decision is that the Council breached section 10(1) of the Act in failing to comply with section 1(1)(b) within twenty working days.

### The Commissioner's Role

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

### The Request

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2. On 19 October 2009, the complainant submitted a request to the Council for the following information:

"Please supply as requested all the names of the people and job title of those who authorised the expenditure as shown in the invoices you have previously sent to me in relation to 'Common Purpose'."

The invoices referred to had been disclosed to the complainant by the Council as a result of a previous request for information.
3. The Council responded to this request on 29 October 2009. The response disclosed the job titles of the six individuals who had authorised the expenditure, and also gave the names of four of these officers. The Council stated that the

names of the other two officers were withheld under the exemption provided in section 40(2) of the Act. The Council explained that this was because these individuals held posts below 'Chief Officer' level.

4. The complainant requested an internal review of this decision on 29 October 2009, stating that was not satisfied with the refusal to disclose the names of two officers.
5. The outcome of the Council's internal review was communicated to the complainant on 26 November 2009. The internal review upheld the decision to apply the exemption at section 40(2) to the names of the members of staff below 'Chief Officer' level.

## **The Investigation**

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### **Scope of the case**

6. On 25 November 2009 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider whether the exemption provided at section 40(2) had been correctly applied.

### **Chronology**

7. The Commissioner contacted the Council on 6 January 2010 to advise that a complaint had been received from the complainant and would be considered under the Act.
8. On 28 January 2010, the Council contacted the Commissioner to explain that in light of the recently issued decision notice FS50259598, and after consultation with the officers whose names had been withheld, it had disclosed the remaining withheld information to the complainant.

## **Analysis**

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### **Procedural Requirements**

#### **Section 1**

9. On 29 October 2009, the Council informed the complainant that it held the information requested. However, the Council failed to disclose all of the requested information to the complainant within the statutory time for compliance.

#### **Section 10**

10. The Council has now released the withheld information. The Commissioner therefore assumes that the exemption at section 40(2) was applied incorrectly. He

therefore concludes that all of the information should have been disclosed within the statutory time for compliance.

11. The complainant submitted his request on 19 October 2009 and did not receive all the information until 28 January 2010. The Council therefore failed to supply the information requested within twenty working days following the receipt of the request.

## **The Decision**

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12. The Commissioner's decision is that Bolton Council has breached section 10(1) of the Act in failing to comply with section 1(1)(b) within twenty working days following receipt of the request.

## **Steps Required**

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13. The Commissioner requires no steps to be taken.

## Right of Appeal

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14. Either party has the right to appeal against this Decision Notice to the First-Tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals  
PO Box 9300  
Arnhem House  
31 Waterloo Way  
Leicester  
LE1 8DJ

Tel: 0845 600 0877  
Fax: 0116 249 4253  
Email: [informationtribunal@tribunals.gsi.gov.uk](mailto:informationtribunal@tribunals.gsi.gov.uk).  
Website: [www.informationtribunal.gov.uk](http://www.informationtribunal.gov.uk)

If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

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

**Dated the 25<sup>th</sup> day of February 2010**

**Signed .....**

**David Smith  
Deputy Commissioner and Director of Data Protection**

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

## Legal Annex

**Section 1(1)** provides that -

“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)** provides that –

“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.”