

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

**Date: 16 December 2010**

**Public Authority:** Equality and Human Rights Commission  
**Address:** 3<sup>rd</sup> Floor  
Lancaster House  
67 Newhall Street  
Birmingham  
B3 1NA

### Summary

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On 14 May 2010 the complainant requested information regarding any assistance provided by the Equality and Human Rights Commission (EHRC) to protect Orthodox Jews from discrimination, and information relating to cases of religious discrimination in which the EHRC had intervened. The EHRC provided a partial response on 2 July 2010 followed by a full response on 5 August 2010. The complainant contacted the Commissioner to complain about the delay involved in the EHRC's handling of the request. The Commissioner finds the EHRC to be in breach of section 10(1) of the Act in failing to respond to the request within the statutory time period of 20 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 14 May 2010 the complainant contacted the EHRC to request the following information:

*"Please can you provide the recorded information regarding the number of requests for help and support (including financial assistance) and the assistance provided by the EHRC to protect the interests of Orthodox Jews from discrimination?"*

*In what cases involving allegations of religious discrimination (including discrimination under the Human Rights Act and the Equality Act) has the EHRC intervened and/or provided formal support (including financial support) beyond helpline advice. In providing this information please specify the religious cohort interest whose interests have been supported."*

3. On 5 August 2010, after providing a partial response on 2 July 2010, the EHRC wrote to the complainant providing a full response to the request.

## The Investigation

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### Scope of the case

4. On 1 July 2010 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 the fact that he had, to date, received no response from the EHRC.

### Chronology

5. On 9 August 2010 the Commissioner wrote to the EHRC to make the public authority aware of the complaint he had received and remind it of its duties under the Act.
6. On 20 August 2010 the EHRC provided a copy of the full response sent to the complainant dated 5 August 2010.
7. The complainant contacted the Commissioner again after receiving the EHRC's response of 5 August 2010 to complain about the delay which his request had met with and request that this Notice be issued.

## Analysis

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### Procedural Requirements

8. Section 10(1) (full wording in legal Annex) 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."*

The public authority failed to comply with the statutory time frame of 20 working days as set out within the provision of section 10(1) of the Act by providing a response to the complainant 53 working days after receipt of the request.

### The Decision

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9. The Commissioner's decision is that the public authority did not deal with the request for information in accordance with the Act. The Commissioner finds the Council to be in breach of section 10(1) of the Act.

### Steps Required

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10. The Commissioner requires no steps to be taken.

## Right of Appeal

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11. 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 sent.

**Dated the 16<sup>th</sup> day of December 2010**

**Signed .....**

**Jon Manners  
Group Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

## Legal Annex

### General Right of Access

**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."

### Time for Compliance

**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."