

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 15 September 2011

**Public Authority:** Bristol City Council

**Address:** The Council House  
College Green  
BS1 5TR

#### Decision

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1. The Commissioner's decision is that Bristol City Council ('the council') has breached section 10(1) of the Freedom of Information Act ('the Act') by failing to disclose information within the statutory time for compliance. However he does not require the council to take any further action.

#### Request and response

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2. On 27 April 2011, the complainant wrote to the council and made the following request:

"I request confirmation that the total sum for works carried out on behalf of the 10 properties was £49168.60 including VAT.

I also request confirmation of the total amount paid to Bristol City Council to date in connection with the default works by households 247-265 Ashley Down Rd, BS7 9BW.

Can you confirm the total amount outstanding including VAT.

Can you confirm how many or what percentage of the 10 properties have paid to date"

3. The council did not issue any response to the request until after the intervention of the Commissioner. Its response of 5 August 2011 disclosed some information and stated that information relevant to other parts of the request was not held.

### **Scope of the case**

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4. On 13 June 2011 the complainant contacted the Commissioner to complain about the council's failure to respond to his request. On 5 August the complainant asked that the Commissioner issue a decision notice regarding the delayed response.

### **Reasons for decision**

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#### **Section 10**

5. Section 1(1) of the Act requires that a public authority in receipt of a request should confirm whether the requested information is held and if so disclose it to the applicant. Section 10(1) provides that a public authority should comply with section 1(1) within 20 working days following the receipt of the request.
6. The complainant submitted his request in a recorded delivery letter on 27 April 2011. The complainant has provided the Commissioner with a proof of delivery that shows the letter was delivered to the council on 28 April 2011. The council accepts that it received this letter, although it states that this was not until 3 May 2011. In either case, the council failed to respond to the request within the statutory time for compliance and has consequently breached section 10(1).

## Right of appeal

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7. 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,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

8. 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.
9. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

**Signed** .....

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