

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 September 2011

Public Authority: Nottingham City Council
Address: Loxley House
Station Street
Nottingham
NG2 3HX

Decision

1. The complainant has requested an investigation report and supporting documentation, for a specified case before the public authority's Standards Committee. His complaint is that he has not received a response to his request.
2. The Commissioner's decision is that Nottingham City Council failed to comply with the requirement to respond to the complainant's request within 20 working days, which is a breach of section 10(1) of the Freedom of Information Act 2000.
3. The Commissioner notes that, following his receipt of the complaint, Nottingham City Council subsequently provided the complainant with a response to his request. Consequently, he does not require the public authority to take any further steps to comply with the requirements of FOIA in this decision notice.

Request and response

4. On 9 March 2011¹, the complainant wrote to Nottingham City Council (the council) and requested information in the following terms:
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¹ See http://www.whatdotheyknow.com/request/investigation_report#incoming-166928

"Please will you provide me with a copy of the Investigation Report and supporting documentation for case # 2009/001 before the council's Standards Committee."

5. The council did not respond to the request.
6. Following an internal review the council wrote to the complainant on 19 August 2011. It refused the information on the grounds that it was intended for publication at a later date.

Scope of the case

7. The complainant contacted the Commissioner on 19 June 2011 to complain about the way his request for information had been handled. He complained that the council had failed to respond to his request within the time limit.
8. The Commissioner corresponded with the complainant and has agreed to serve a decision notice in this case which would address the complaint about the council's failure to respond to his request within the statutory time limit.

Reasons for decision

9. Section 10 of FOIA relates to the statutory time in which a public authority must comply with FOIA in respect of a request received by it:

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."

10. The Commissioner notes that the complainant's request was submitted electronically on 9 March 2011, but that he did not receive a substantive response to his request until 19 August 2011, a period of 113 working days. This is considerably longer than the 20 working days permitted at section 10 of FOIA, and Nottingham City Council has consequently breached section 10(1) of FOIA.

Other matters

11. The Commissioner also notes that Nottingham City Council has recently been the subject of monitoring² by his Enforcement team and that this case was referred to the team during this process, as an example of the council's failure to comply with the requirements of FOIA.

² http://www.ico.gov.uk/what_we_cover/promoting_openness/monitoring_compliance.aspx

Right of appeal

12. 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

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

13. 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.
14. 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

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF