

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 19 September 2011

**Public Authority:** Stamford Town Council  
**Address:** Town Hall  
St Mary's Hill  
Stamford  
Lincolnshire  
PE9 2DR

### Decision

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1. The complainant requested a copy of an agenda for a meeting.
2. The Commissioner's decision is that the council did not deal with the request in accordance with the Freedom of Information Act ('the Act').
3. The Commissioner requires the public authority to either comply with section 1(1) of the Act by either:
  - o confirming whether the requested information is held, and if so, disclosing it to the applicant, or
  - o issuing a valid refusal notice in accordance with section 17.
4. The public authority must take these steps within 35 calendar days of the date of this Decision Notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

### Request and response

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5. On 9 February 2010 the complainant made the following request:

"...is it possible to have a copy of tonight's agenda please?".

## **Scope of the case**

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6. The complainant contacted the Commissioner to complain about the way her request for information had been handled.

## **Reasons for decision**

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7. Section 1(1) requires a public authority in receipt of a request to confirm whether it holds the requested information, and if so, disclose it to the applicant. Alternatively a public authority can issue a refusal notice compliant with section 17. This should cite the specific exemption that the public authority relies upon in refusing a request.
8. The Commissioner understands that the council has not issued any response to this request. The Commissioner requires the council to confirm to the complainant whether it holds any information within the scope of her requests. If so, it should either disclose the information to the complainant or issue a valid refusal notice.

## Right of appeal

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9. 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)

10. 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.
11. 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**