

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 July 2012

Public Authority: Sheffield City Council
Address: Town Hall
Pinstone Street
Sheffield
S1 2HH

Decision (including any steps ordered)

1. The complainant requested information from Sheffield City Council ("the council") connected to health initiatives. The council failed to respond to the requests within 20 working days.
2. The Commissioner's decision is that the council has breached section 1(1) and 10(1) of the Freedom of Information Act 2000 ("the FOIA").
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Respond to both of the requests dated 24 November 2011 by providing a copy of its response directly to the complainant.
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 pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 24 November 2011, the complainant requested information from the council in the following terms:

"Any evidence of public health initiatives specifically targeted at Sheffield's BME communities."

Any evidence of public health initiatives specifically targeted at Sheffield's Irish Community".

6. On the same day, he also made another request for information in the following terms:

"Total number of people employed by Sheffield City Council working on public health initiatives (including any secondees or contractors)

Details of grades/job titles of these employees and salary bands

Breakdown of all costs pertaining to the Joint Strategic Needs Assessment

Breakdown of all costs pertaining to the Health Inequalities Action Plan

Breakdown of all costs associated with the 'Healthy Sheffield' initiative".

7. When he did not receive a response, he contacted the council on 12 January 2012.
8. The council replied on the same day and it said it was currently considering the requests. However, the Commissioner understands that the complainant received no further response.

Scope of the case

9. The complainant contacted the Commissioner to complain about the council's failure to respond to his requests for information.

Reasons for decision

10. Section 1(1) and 10(1) of the FOIA create a general obligation upon public authorities to respond to requests for information within 20 working days. The public authority must state whether it holds information of the description specified in the request and if so, it must either provide that information or state valid reasons under the FOIA for not doing so.
11. The Commissioner contacted the council about both requests. Following the initial complaint to the Commissioner, the council prepared a response to the second request only. It sent a copy of that to the Commissioner but not to the complainant. When directed to disclose its response to the complainant directly, the council failed to do so.

12. In relation to the first request, despite making a number of attempts to obtain a response and an explanation for the authority's failure to respond, none was forthcoming. To date, the Commissioner has not been supplied with evidence to demonstrate that the authority responded to this request.

Other matters

13. The Commissioner was concerned in this case about the council's failure to engage properly with the Commissioner to resolve these issues. The Commissioner is generally able to rely on the informal cooperation of public authorities to help him to resolve complaints to his office. This saves the time and resources of all parties. Failure to engage is not within the spirit or the letter of the FOIA. The Commissioner trusts that the council will review its handling of these requests and its subsequent failure to engage adequately with the Commissioner and ensure that it makes appropriate improvements in the future.

Right of appeal

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,
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

15. 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.
16. 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