

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 13 August 2012

**Public Authority:** Bolton Metropolitan Borough Council  
**Address:** Town Hall  
Civic Centre  
Bolton  
Lancashire  
BL1 1RU

#### Decision

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1. The complainant has requested information about the issuing of smartphones to staff at Bolton Metropolitan Borough Council.
2. The Commissioner's decision is that Bolton Metropolitan Borough Council (the council) has breached section 10(1) of FOIA by failing to disclose the requested information within 20 working days.
3. The Commissioner requires no steps to be taken.

#### Request and response

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4. On 19 January 2012, the complainant wrote to the council and requested information in the following terms<sup>1</sup>:

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<sup>1</sup> [http://www.whatdotheyknow.com/request/list\\_names\\_and\\_job\\_title\\_for\\_bol#incoming-290348](http://www.whatdotheyknow.com/request/list_names_and_job_title_for_bol#incoming-290348)

*"With reference to FoIA request RFI 1514 regarding Iphones. Please supply the same list of names with the added information of a job title which is associated with each name."*

5. The council responded on 1 February. It stated that it was happy to disclose the requested information and attached a document which purported to be the requested information.
6. The attached document was, however, a response to a different request submitted by the complainant. This was not corrected until 20 June.
7. The complainant requested an internal review on 20 June 2012, the public authority wrote to the complainant on 13 July. It acknowledged the error which had led to the delay in providing its response.

### **Scope of the case**

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8. The complainant contacted the Commissioner to complain about the way his request for information had been handled. He complained about the delayed response and asked the Commissioner to serve a decision notice for the council's failure to provide information within 20 working days.

### **Reasons for decision**

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9. Section 10(1) of FOIA states that a public authority must comply with section 1(1) within 20 working days. In this case, the council's substantive response was not provided within 20 working days.
10. Bolton Metropolitan Borough Council has therefore failed to comply with the requirements of section 10(1).

## 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,  
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)

12. 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.
13. 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**