

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 August 2012

Public Authority: Manchester City Council
Address: Town Hall
Albert Square
Manchester
M60 2LA

Decision (including any steps ordered)

1. The complainant requested information from Manchester City Council ("the council") regarding FC United. The council failed to respond to the request 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:
 - Provide the requested information or issue a valid refusal notice stating why it is exempt from disclosure.
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 15 March 2012, the complainant made the following request for information:

"I request a list of all meetings with representatives of FC

I request a copy of the minutes of this and any other meeting [named person] has attended.

I request a list of all meetings with representatives of FC United Representatives from Manchester City have attended together inured (sic) (not including names but job titles).

On 18 March 2012, the complainant made another request for information under the FOIA:

"I request a list of all meetings between representatives of FC United and representatives from Manchester City Council together with the minutes of these meetings..."

6. The council acknowledged the request on 20 March 2012 and stated that it was intending to amalgamate all these requests.
7. Despite the complainant's request for an internal review on 27 April 2012, none has been carried out.

Scope of the case

8. The complainant contacted the Commissioner to complain about the council's failure to respond to his request for information. Despite the intervention of the Commissioner, no response has subsequently been made by the council.
9. On 20 June 2012, the complainant confirmed that he had had no response from the council and requested a decision notice.
10. On 22 June 2012, the council wrote to the Commissioner explaining that it had been unable to respond to the complainant due to the "*complexity of the requests*" and other issues.

Reasons for decision

11. Section 1 and 10 of the FOIA provide a general right of access to recorded information held by public authorities. These sections stipulate that when a written request for information is made, the public authority must state whether it holds that recorded information within 20 working days. If the information is held, it must provide that information within 20 working days, unless a valid reason for not doing so exists under the FOIA. If such a reason does exist, a refusal notice should be issued in accordance with section 17 of the FOIA, again within 20 working days.

12. The Commissioner has not been supplied with any evidence up to the date of this notice to demonstrate that the authority has responded to this request. Therefore, by failing to respond to the request, the public authority has breached section 1 and 10 of the FOIA.

Right of appeal

13. 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

14. 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.
15. 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
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