

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 January 2013

Public Authority: Wychavon District Council
Address: Civic Centre
Queen Elizabeth Drive
Persnore
Worcestershire
WR10 1PT

Decision (including any steps ordered)

1. The complainant requested details of the costs incurred by Wychavon District Council (the Council) in relation to solicitors engaged to represent the Council in Employment Tribunal proceedings brought by the complainant. The Council failed to provide a valid response to this request for several months.
2. The Commissioner finds that the Council breached section 10 of the FOIA in that it did not provide a valid response to the complainant's request within 20 working days of receipt. As the Council has now responded to the complainant and disclosed the information in question, no further action is necessary.

Request and response

3. On 3 December 2011, the complainant wrote to the Council and requested information in the following terms:

"The costs of getting rid of me incurred by Wychavon District Council when employing a firm of solicitors from Birmingham".
 4. The Council failed to provide a response to this request that was valid for the purposes of the FOIA.
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Scope of the case

5. The complainant contacted the Commissioner initially on 15 February 2012. This case was begun later after the scope of the complaint had been clarified.
6. As noted above, the Council failed to provide a valid response to the complainant's information request. On 19 October 2012 the ICO wrote to the Council and recommended that it provide a response to the complainant that confirmed or denied whether the requested information was held and, in relation to any information that was held, either disclose this or give a valid reason for why this information would not be disclosed.
7. The Council wrote to the complainant on 26 November 2012. It confirmed that the information was held and disclosed this to the complainant.
8. Following this the complainant advised the Commissioner's office that he was dissatisfied with the time taken to provide a valid response to his request. In response to this it was confirmed that a decision notice recording this delay would be issued.

Reasons for decision

Section 10

9. Section 10 of the FOIA requires that an information request should be responded to within 20 working days of receipt. In this case a valid response was not provided until close to 12 months following the date of the request. The Council, therefore, breached section 10 of the FOIA in relation to the complainant's request.
10. Although this breach does not necessitate remedial action, the Council should ensure that there is no repetition of this delay in relation to future information requests. In particular it should be aware of the requirement to respond within 20 working days of receipt of an information request regardless of its provenance.

Right of appeal

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

Website: 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

Gerrard Tracey
Principal Policy Advisor
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SK9 5AF