

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 16 April 2013

**Public Authority:** Alfriston Parish Council

**Address:** [alfristonpc@googlemail.com](mailto:alfristonpc@googlemail.com)

### Decision (including any steps ordered)

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1. The complainant has requested copies of specific communications sent and received by Alfriston Parish Council (the "council"). The council failed to respond to the request.
2. The Information Commissioner's decision is that the council did not deal with the request for information in accordance with the FOIA. It breached section 10(1) of FOIA by failing to provide a response to the request within the statutory timeframe of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
  - issue a response under the FOIA.
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

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5. On 17 October 2012, the complainant wrote to the council and requested information in the following terms:

*"This note refers to the email sent to you by Councillor Savage on October 15th at 12.17 and the one following up from Cllr Savage's email that I sent on at 14:07 on the same day. I wrote: I fully concur. Since - besides the Vice-Chair - the only councillor you copied was the holder of the Highways Portfolio, I infer that the matter you raised with Councillor*

*Bennett concerns some aspect of Highways and Traffic Management. Not only does this also fall into my Portfolio of Strategic Planning but, in the light of item 12.5 in Minutes of the last APC meeting, concerns all councillors. Thus it would be both appropriate and helpful if you kindly circulated your communication with Cllr Bennett - and his reply if there has been one- to us as soon as possible, preferably before the meeting tonight."*

6. Having not received a response, on 23 October 2012 the complainant sent a further copy of their request to the council.

### **Scope of the case**

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7. On 26 November 2011 the complainant contacted the Commissioner to complain about the way their request for information had been handled. At the time of submitting their complaint to the Commissioner the council had not responded to the complainant's request.
8. The Commissioner wrote to the council on 28 January 201 and directed it to respond to the request within 20 working days. When the council failed to issue a response the Commissioner wrote again on 18 March 2013 advising it to respond to the request. At the time of writing, the council has not responded to the request.
9. The Commissioner has considered whether the council has complied with its duty to respond to the request for information.

### **Reasons for decision**

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10. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
11. In this case the council has failed to provide the complainant with the requested information within the statutory time limit. The Commissioner has therefore found that the council has breached section 10(1) of the FOIA. At paragraph 3 above the council is now required to respond to the request.

## Right of appeal

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12. 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)

13. 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.
14. 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**