

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 June 2013

Public Authority: Norwich City Council
Address: City Hall
St. Peters Street
Norwich
Norfolk
NR2 1NH

Decision (including any steps ordered)

1. The complainant has requested witness statements relating to an accident recorded by Norwich City Council ("the council"). The council has not responded to the request.
2. The Commissioner's decision is that the council has breached section 10 of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Respond to the request in accordance with the obligations under FOIA.
4. The council 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 19 February 2013, the complainant wrote to the council and requested information in the following terms:

"In February 2011, I asked the Council's Health and Safety Department for a copy of an accident report, together with witness statements, for

an incident that occurred at Archant newspapers on the 19th July 2009.

I received a copy of the report with copies of my two witness statements. I did not receive the two copies of my supervisor's, [redacted name], witness statements.

I am now formally requesting copies of both of [redacted name]'s witness statements under the freedom of information act."

6. The council did not provide a response to this request.

Scope of the case

7. The complainant contacted the Commissioner on the 4 April 2013 to complain about the way that their request for information had not been responded to.
8. The Commissioner contacted the council on 9 May 2013 and requested that a response to the request be provided within 10 working days.
9. The complainant subsequently informed the Commissioner on the 24 May 2013 that they had received no response.

Reasons for decision

10. Section 10 of FOIA requires that an information request should be responded to within 20 working days of receipt. In this case a response was not provided. The council, therefore, breached section 10 of the FOIA in relation to the complainant's request.

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

Andrew White
Group Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF