

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 December 2013

Public Authority: Goring Parish Council
Address: Old Jubilee Fire Station
Red Cross Road
Goring
Reading
RG8 9HG

Decision (including any steps ordered)

1. The complainant requested minutes for a meeting held on 12 November 2012 from Goring Parish Council ("the council"). The council provided minutes in response to this. The complainant became aware that a 'confidential' part of the minutes also existed, and complained to the Commissioner that he had not been provided with this. The council confirmed to the Commissioner that this information was held, and subsequently took steps to provide it to the complainant.
2. The Commissioner's decision is that the council failed to provide all held information within the time for compliance, and therefore breached section 10(1) of the FOIA.
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 28 December 2012 the complainant wrote to the council and requested the following:

"Minutes of Goring Parish Council meeting 12 November 2012.

Note: this is necessary because the minutes have not been put on the council's website."

5. The council wrote to the complainant's by post on 3 January 2013 and advised that the minutes were now available on the council's webpages. It appears that this was not received by the complainant, who consequently complained to the Commissioner that he had not been responded to. The Commissioner then wrote to the council asking it to provide a response, to which the council complied and sent copies of the minutes by email to the complainant on 20 February, and the appendices to the minutes on 21 February.
6. The complainant requested an internal review on 25 February 2013. The council provided this on 25 March 2013, and maintained its response was correct.

Scope of the case

7. The complainant initially contacted the Commissioner on 4 February 2013 to complain about the council's apparent non response to his request. Upon the council providing a response and a subsequent internal review, the complainant became aware that there was a confidential part of the minute that had not been provided to him, and subsequently asked the Commissioner to investigate this.
8. The Commissioner wrote to the council and asked it to confirm whether a confidential part of the minutes was held, and if so, to either disclose it or else issue a refusal notice. The council confirmed that this information was held, and subsequently provided a copy to the Commissioner, who with the council's permission, then provided this to the complainant on 31 October 2013.
9. The Commissioner considers that the scope of this case is the determination of whether the council fulfilled its obligations under section 1(1) of the FOIA within the time for compliance allowed by section 10(1).

Reasons for decision

Section 10(1) Time for compliance

10. Section 10(1) of the FOIA requires that a public authority should comply with the requirements of section 1(1) promptly, and in any event, within 20 working days.
11. Section 1(1) of the FOIA states that any person making a request for information is entitled to be informed by the public authority whether it

holds the information, and if so, to have that information communicated to him/her. This is subject to any exemptions or exclusions that may apply.

12. In this case the Commissioner has identified that while the council confirmed that it held the minutes, it failed to disclose the minutes in their entirety within 20 working days following the request, and therefore breached the requirement of section 10(1). The council should ensure that there is no repetition of this breach in relation to future requests.

Other matters

13. The council informed the Commissioner during this investigation that it believed it had complied fully with the complainant's request, which is worded in a way that suggests he is only seeking the minutes that were being prepared for publishing on the council's webpages. While the Commissioner appreciates the council's position, he would remind the council that it is important to be aware that an information request may be submitted by someone with limited or no understanding of how information is recorded and stored. The Commissioner considers that a request for the minutes of a meeting should be treated as being a request for the minutes in their entirety. The Commissioner would refer the council to his public guidance on interpreting requests:

http://www.ico.org.uk/for_organisations/guidance_index/~media/documents/library/Freedom_of_Information/Practical_application/INTERPRETING_A_REQUEST.ashx

Right of appeal

14. If 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: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. 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.
16. 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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