

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 November 2013

Public Authority: Hambleton District Council

Address: Civic Centre
Stone Cross
Northallerton
North Yorkshire
DL6 2UU

Decision (including any steps ordered)

1. The complainant has requested information from Hambleton District Council (the council) with regards to the names of councillors whose broadband is paid for by the council and the cost to the council. The council provided some information but refused to provide the names of the councillor's, relying on section 40(2) of the FOIA. However during the Commissioner's investigation the council changed its response to provide all of the information requested.
2. The Commissioner's decision is that the council has breached section 10(1) of the FOIA as it did not provide all of the requested information within the required 20 working days from the receipt of the request.
3. As the council has now provided the information, the Commissioner requires no steps to be taken.

Request and response

4. On 11 January 2013, the complainant wrote to the council and requested information in the following terms:

"Please could you detail the Councillors that have a Broadband connection at their homes that was installed and is currently paid for by Hambleton District Council."

On the same day he also asked:

"Please could you also detail the monthly or yearly cost of the scheme per Councillor."

5. The council responded on 11 January 2013. It refused to provide the requested information stating that it would breach the Data Protection Act 1998 (DPA) to release the information.

6. On the 14 January 2013 the council advised that it could provide the average cost of the councillor's broadband. The complainant agreed to receive this and the information was provided on the 29 January 2013.

7. On 1 February 2013 the complainant asked the council:

"Please could you also let me know how many of the eighteen Hambleton District Councillors who receive Broadband that is paid for by Hambleton District Council are also elected to North Yorkshire County Council."

8. The council responded to this request on 13 February 2013 and refused to provide the information stating providing this information could lead to identifying individuals and would breach the DPA.

9. On the 18 March 2013, the complainant requested an internal review stating:

"I believe that the Council should have released the names of the Councillors who are in receipt of a broadband connection that is funded by public money and they are incorrect in their assessment that this information is covered by the Data Protection Act."

10. The council sent the complainant the outcome of its internal review on 28 March 2013. It upheld its original position not to provide the information and now relied on section 40(2) of the FOIA.

11. The complainant contacted the Commissioner on 29 May 2013 to advise that he was not satisfied with the council refusing to provide the information.

12. During the course of the Commissioner's investigation the council amended its response, no longer relying on section 40(2) of the FOIA and instead provided the remaining information to the complainant. This was provided on the 18 October 2013.

Scope of the case

13. The complainant has advised the Commissioner that he is satisfied with the information now provided, but has asked that the Commissioner issues a decision notice with regards the time it took for the council to provide the requested information.
14. The Commissioner considers that the scope of the case is to determine whether the council breached section 10(1) of the FOIA.

Reasons for decision

15. Section 10 of the FOIA states that:

"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

16. Although the council did provide a response inside the 20 working days refusing to provide some of the information, it subsequently amended its decision to instead provide all of the requested information. This information being provided on 18 October 2013, outside of the required 20 working days. Therefore the Commissioner finds that the council has breached section 10(1) of the FOIA.

Right of appeal

17. 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

18. 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.
19. 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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