

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 October 2014

Public Authority: Wirral Metropolitan Borough Council

Address: Wallasey Town Hall
Brighton Street
Wallasey
Wirral
CH44 8ED

Decision (including any steps ordered)

1. The complainant has requested information from Wirral Metropolitan Borough Council ("the council") about meetings held with two council officers who subsequently signed departure agreements. The council initially responded that the information was exempt under section 40(2) of the Freedom of Information Act ("the FOIA"), but subsequently revised its position and released the requested information.
2. The Commissioner's decision is that the council has breached the requirement of section 10(1) by failing to provide information within 20 working days.
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 12 February 2012, the complainant made the following request for information:

"Please see the following:

<http://www.wirralglobe.co.uk/news/946300...>

This link details a local newspaper story that two senior officers of DASS in WBC left WBC by mutual consent.

Both officers left WBC by signing agreements.

Please detail the date these agreements were signed.

Please detail the dates of any meetings in arranging these agreements and which other officers were in attendance.

Please redact the officers names who have now left WBC or refer to them as Officer A and Officer B, although these officers are well known, as to avoid WBC refusing to answer this request."

5. The council responded on 5 June 2013. It provided the dates of the two meetings but refused the remainder under the exemption provided by section 40(2).

Scope of the case

6. The complainant contacted the Commissioner on 17 July 2013 to contest the council's response.
7. During the course of the Commissioner's investigation, the council provided the previously withheld information using the suggested anonymisation provided by the complainant. However, the council's response was made outside the time for compliance.

Reasons for decision

Section 10(1) – Time for compliance

8. Section 10(1) requires that a public authority must respond to a request within the time for compliance, which is 20 working days following the date of receipt.
9. In this case the Commissioner has identified that the council responded outside 20 working days, and therefore breached the requirements of section 10(1).

Right of appeal

10. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

11. 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.
12. 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