

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 11 February 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 about a cross-departmental group from Wirral Metropolitan Borough Council ("the council"). The council subsequently advised that the information was not held. The complainant contested this response, and asked the Commissioner to investigate whether the requested information was held.
2. The Commissioner's decision is that the requested information is not held by the council. However the council provided its response outside of 20 working days, and therefore breached section 10(1).
3. The Commissioner does not require any steps to be taken.

## **Request and response**

---

4. On 29 May 2012, the complainant wrote to the council and requested the following information:
  1. *The members of the [company name] cross departmental group.*
  2. *The dates of meeting of the [company name] cross department group.*
  3. *The chair of the [company name] cross departmental group.*
  4. *The purpose of the [company name] cross departmental group.*
5. The council did not provide a response. The complainant subsequently contacted the council on 30 June 2012 to request an internal review.
6. The council responded on 4 June 2013 and provided the internal review outcome. It confirmed that the requested information was not held.

## **Scope of the case**

---

7. The complainant contacted the Commissioner on 17 July 2013 to contest the council's response.
8. The Commissioner considers that the scope of this case is the determination of whether the council is likely, on the balance of probabilities, to hold the requested information.

## **Reasons for decision**

---

### **Section 1(1) – Duty to make information available on request**

9. 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 them. This is subject to any exemptions or exclusions that may apply.
10. On 19 December 2013, the Commissioner wrote to the council to request confirmation whether the cross-departmental group exists. The council subsequently provided this confirmation, in addition to contextual information about the company named in the request and its relationship with the council.
11. The council has informed the Commissioner that the named company is a care provider that was associated with the council's Department of

Adult Social Care. The Commissioner has confirmed the status of this company by searching for its registered information with Companies House.

12. The council has advised the Commissioner that it has no group formally known as the '*[company name] cross departmental group*'. However, it has confirmed that council officers based within the Department of Adult Social Care do meet with one another as part of their normal duties to discuss matters relating to care providers. Additionally, officers from the Department of Adult Social Care do on occasion telephone or meet with senior officers from the council's Housing Benefit team to seek advice or discuss matters. It is for this reason that the council informed that complainant in its internal review that council officers representing different specialist areas have met to discuss issues relating to the named company.
13. To satisfy any doubt, the Commissioner has additionally undertaken a keyword search on the council's webpages for the company name, and has also undertaken a key-word search using combinations of the company name and the term 'cross departmental' with an internet search engine. However, these searches have not resulted in any evidence that indicates that such a group exists.

#### *Conclusion*

14. Based on the available information, there is no evidence to suggest to the Commissioner that the group referred to by the complainant is a formal group within the council. The council has confirmed that its officers do discuss matters, and on occasion do seek information from officers located in other business areas. The Commissioner has no reason to believe that the council would need to create a formal chaired group when council officers can confer with each other informally as a business need arises. Consequently, the Commissioner must conclude, on the balance of probabilities, that the information requested by the complainant is not held, and that the council's response fulfilled its duty under section 1(1).

#### **Section 10(1) – Time for compliance**

15. Section 10(1) of the FOIA requires that a public authority must provide a substantive response within the time for compliance, which is 20 working days following the date of receipt.
16. In this case the Commissioner has identified that the council provided its response outside 20 working days, and therefore breached the requirement of section 10(1).

## 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: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**