

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

### **Decision notice**

**Date:** 20 January 2014

**Public Authority:** Sheffield City Council

**Address:** Town Hall  
Pinstone Street  
Sheffield  
S1 2HH

#### **Decision (including any steps ordered)**

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1. The complainant has requested information relating to a library review. Sheffield City Council refused the request citing the exemption for information intended for future publication (section 22 of the FOIA). During the course of the Commissioner's information Sheffield City Council disclosed the information via its website.
2. The Commissioner's decision is that, in failing to provide the requested information within 20 working days, Sheffield City Council breached section 10(1) of the FOIA.
3. The Commissioner does not require the public authority to any steps.

## **Request and response**

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4. On 10 May 2013, the complainant wrote to Sheffield City Council (the "council") and requested information in the following terms:

*"At which libraries have a formal expression of interest been made? Information regarding expressions of interest, particularly regarding libraries within wards where Liberal Democrat Councillors are elected."*

5. The council responded on 5 June 2013. It refused to provide the requested information, citing the exemption for information intended for future publication, section 22 of the FOIA.
6. The council confirmed that it would not conduct an internal review about its handling of the request and advised the complainant to submit their complaint directly to the Commissioner.

## **Scope of the case**

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7. On 28 August 2013 the complainant contacted the Commissioner to complain about the way their request for information had been handled.
8. The Commissioner confirmed with the complainant that his investigation would consider whether the council was entitled to rely on the exemption cited to withhold the requested information.
9. During the course of the Commissioner's investigation the council disclosed the withheld information by publishing it on its website. This Decision Notice does not include any analysis of whether or not the requested information was correctly withheld using the exemption under section 22 of the FOIA because it has now been disclosed.
10. Accordingly, this Decision Notice only deals with the procedural aspects of the complaint.

## **Reasons for decision**

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### **Section 10 – time for compliance**

11. Section 10(1) of the FOIA requires that a public authority complies with section 1(1) promptly and in any event not later than 20 working days following the date that a request was received. Section 1(1) states that

a public authority should confirm whether it holds relevant recorded information and, if so, to communicate that information to the applicant.

12. In this case the council disclosed the information in question to the complainant outside of the statutory time limit for compliance with requests. The Commissioner has therefore found that the council breached the requirements of section 10(1) of FOIA.

## Right of appeal

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13. 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)

14. 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.
15. 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**