

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 29 January 2014

**Public Authority:** The Governing Body of Activate Learning  
**Address:** Oxpens Road  
Oxford  
OX1 1SA

#### Decision (including any steps ordered)

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1. The complainant requested an email that accompanied a three page report from Oxfordshire County Council to Activate Learning, formerly Oxford and Cherwell Valley College (the College). The Commissioner's decision is that the public authority did not deal with the request in accordance with the FOIA. This is because the public authority provided its response outside the statutory 20 working days and it has therefore breached section 10(1) of the FOIA. As the requested information was provided during the course of the investigation, the Commissioner does not require any steps to be taken.

#### Request and response

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2. On 1 November 2013, the complainant requested information in the following terms:  
*'Freedom Of Information Request: I seek the email that accompanied a three page report that was sent from (officer name redacted) over at Oxfordshire County Council on or around 23rd December 2011. I don't want the report just the accompanying email.'*
3. On 7 and 28 November and 5 December 2013 the College contacted the complainant to discuss the email requested, to explain that advice on redaction needed to be sought and to apologise for not responding within 20 working days. The Commissioner notes that the provenance of the email was not entirely straightforward.

4. The College was rebranded in 2013 to Activate Learning which has responsibility for all FOI matters of a number of educational establishments including this College. Activate Learning became a public authority in November 2013. For the purposes of this Notice however the public authority will be referred to as 'the College'.

### **Scope of the case**

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5. On 29 November 2013, the complainant contacted the Commissioner to complain about the lack of a response. On 16 December 2013 the College disclosed the information to the complainant.

### **Reasons for decision**

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6. Section 10 of the FOIA provides that a public authority must comply with section 1(1) promptly and no later than the twentieth working day following the date of receipt. The Commissioner has found a breach of section 10 in this case because the public authority did not respond to the request for information within 20 working days.

## Right of appeal

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7. 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: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

8. 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.
9. 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 .....**

**Pamela Clements**  
**Group Manager, Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**