

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 July 2014

Public Authority: Witney Town Council
Address: Town Hall
Market Square
Witney
Oxfordshire OX28 6AG

Decision (including any steps ordered)

1. The complainant requested information related to Witney Town Council meetings.
2. The Commissioner's decision is that Witney Town Council ('the Council') breached section 10 of the FOIA as it did not provide the complainant with a response within 20 working days.
3. Since the Council has now provided a response, the Commissioner does not require it to take any further steps.

Request and response

4. On 14 March 2014, the complainant wrote to Witney Town Council and requested information in the following terms:

"...I would also, in addition, ask that you supply the advice you referred to in the meeting with regards exclusion of the press... then please treat this email as a request under the Freedom of Information Act for it to be released, along with all emails, notes, letters, memos from any councillor, council staff member related to that advice and media attendance of Witney Town Council meetings over the past 12 months."

5. The complainant sent a reminder to the Council on 15 April and, by return, the Council told them that the Town Clerk, who was on leave, was the only member of staff who was able to deal with the request.
6. In an email dated 28 April, the Council told the complainant that it had believed that the FOI request had been superseded by a separate formal complaint the complainant had made to the Council. However, the complainant did not subsequently receive a substantive response to their request.
7. Following intervention from the Commissioner, the Council provided a response on 8 May 2014.

Scope of the case

8. The complainant contacted the Commissioner on 20 April 2014 to complain about the way their request for information had been handled.
9. The Commissioner focussed his investigation on whether Witney Town Council complied with section 10 of the FOIA.

Reasons for decision

10. Section 10 of the FOIA says that a public authority must respond to a request for information no later than the twentieth working day following the date of receipt.
11. In this case, Witney Town Council did not provide a response until after more than 30 working days, and only after intervention from the Commissioner.

Right of appeal

12. 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

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

13. 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.
14. 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
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Wilmslow
Cheshire
SK9 5AF