

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 June 2015

Public Authority: Cambridgeshire County Council
Address: Shire Hall
Cambridge
Cambridgeshire
CB3 0AP

Decision (including any steps ordered)

1. The complainant has made a request to Cambridgeshire County Council ("the council") for information relating to a bus service. The council has not responded to the request.
2. The Commissioner's decision is that the council has breached section 10.
3. The Commissioner requires the council to take the following steps to ensure compliance with the legislation:
 - Respond to the request in accordance with its obligations under the FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 20 November 2014 the complainant wrote to the council and requested the following:

"Under the Freedom of Information Act please supply a copy of all documentation held by the County council (including e-mails) relating to the Long Road shuttle bus. This documentation should include

correspondence between the County council and Long Road College as well as Go-Whippet."

6. The council responded on 17 December 2014 and sought clarification about the scope of the request.
7. The complainant provided the sought clarification on 17 December 2014:

"I confirm that my request covers all the documentation held by the county. This will include correspondence that took place before, during and after the procurement process."

Scope of the case

8. The complainant contacted the Commissioner on 18 February 2015 to complain that she had not received a response to her request. The council subsequently confirmed on 14 May 2015 that it had not yet provided a substantive response.
9. The Commissioner therefore considers the scope of this case is the determination of whether the council has complied with section 10.

Reasons for decision

Section 10(1) – time for compliance

10. Section 10(1) requires that where a public authority has a duty under section 1(1), it must comply with that duty within twenty working days following receipt of the request.
11. Section 10(6) specifies that where a public authority has reasonably required clarification under section 1(3), the twenty working days will begin following receipt of the clarified request.
12. The Commissioner has identified that the council has not responded to the clarified request following twenty working days of its receipt, and as such breached the requirement of section 10(1).

Right of appeal

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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: 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
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