

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 3 June 2015

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 an address relating a conveyancing payment. Wirral Metropolitan Borough Council ("the Council") refused the request on the basis of regulation 12(5)(e) of the EIR. However, during the course of the Commissioner's investigation the Council disclosed the previously withheld information. As the information was disclosed outside the 20 working day timescale the Commissioner has concluded that the Council breached the requirements of regulation 5(2).

Request and response

2. On 26 January 2015 the complainant made a request for information in the following terms:

"On the 12th August 2013 Wirral Council made a payment of £700 by either CHAPS or BACS to DLA Piper UK LLP for conveyancing.

The PR1 (Payment requisition by cheque/BACS) form that Wirral Council holds has the address that this conveyancing relates to in the "Description of Payment" field.

Can you please tell me the address on the PR1 form that this conveyancing payment was for please?"

3. The Council initially did not respond to the request. The complainant therefore requested an internal review on 24 February 2015 and the Council responded on 23 March 2015 stating that it held the requested information but considered the regulation 12(5)(e) exception was engaged and provided a basis for withholding the information.
4. During the Commissioner's investigation the Council provided the complainant with the withheld information.

Scope of the case

5. The Commissioner has considered whether the Council complied with its obligations under the EIR when dealing with this request.
6. As the information has now been provided to the complainant the Commissioner will not however consider whether the exception applied by the Council was applicable at the time of the request.

Reasons for decision

7. Section 5(2) of the EIR states that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."

8. During the course of the Commissioner's investigation the Council provided the complainant with the information he requested. As this information was not provided within the statutory time for compliance, the Commissioner considers that the Council breached regulation 5(2) of the EIR in its handling of this request.

Right of appeal

9. 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

10. 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.
11. 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
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF