

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

### Decision notice

**Date:** 20 May 2015

**Public Authority:** Bath and North East Somerset Council

**Address:** Lewis House  
Manvers Street  
Bath  
BA1 1JG

#### Decision (including any steps ordered)

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1. The complainant has requested information relating to the transfer of secure tenancy agreement records. The Commissioner's decision is that Bath and North East Somerset Council has breached section 10(1) of the FOIA by failing to respond to the request within the statutory time limit of 20 working days. He does not require any steps to be taken to ensure compliance with the legislation.

#### Request and response

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2. On 14 February 2015, the complainant wrote to Bath and North East Somerset Council ('the council') and requested information in the following terms:

"Your email of 12/02/15 confirms "All records of our tenancy that the Council would have held will have been passed to SCHAT when the transfer of the housing stock took place."

Please confirm if the Council passed to SCHAT both the paper records & computer data or did it just pass to SCHAT the computer data it held?

Please confirm:

- 1) In what year did B&NES Council's Housing/legal Departments transfer the paper records of its 13,000 secure tenancy agreements to its computer records.

- 2) What B&NES Council did with the paper records of the 13,000 secure tenancy agreements after it has transferred the data into its computer records eg: did it keep them on site, deposit them in remote storage up until the transfer to SCHAT in 1999 etc.,
  - 3) The exact date these paper and/or computer records were passed to SCHAT."
3. Having been informed by the complainant that no response had been received, and after speaking to the council, the Commissioner wrote to the council on 17 April 2015 requesting that it respond to the request within 10 working days.
  4. The council responded on 30 April 2015 and provided answers to the requests except for the exact date the paper and/or computer records were passed to SCHAT as it said that the exact date is no longer held.

### **Scope of the case**

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5. The complainant contacted the Commissioner on 30 March 2015 to complain that his request for information had not been responded to. After having received the response detailed above, he then made a complaint regarding the time taken to respond and specifically requested for a decision notice in relation to the section 10 to be issued.
6. The Commissioner has therefore considered whether the council has breached the statutory time for compliance at section 10(1) of the FOIA.

### **Reasons for decision**

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#### **Section 10 – Time for compliance**

7. Section 10(1) states:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

8. The council received the request on 14 February 2015 and responded on 30 April 2015 which is after the twentieth working day following the date of receipt. Therefore, the council did not respond to the request within the statutory time limit in breach of section 10(1).

## Right of appeal

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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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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** .....

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**