

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 June 2016

Public Authority: Welsh Assembly Government
Address: Cathays Park
Cardiff
CF10 3NQ

Decision (including any steps ordered)

1. The complainant has requested various items of information in respect of the Welsh Government's Major Events Unit support for food festivals. The Council refused to provide the information withholding it by virtue of section 21 and section 29(1)(b) of the FOIA. However, following the Commissioner's investigation, it subsequently disclosed the requested information to the complainant. The complainant is not satisfied with the Council's procedural handling of her request, and in particular the delay in receiving the requested information. The Commissioner's decision is that the Welsh Government breached section 10 of the FOIA, however, as the information has now been provided to the complainant, he does not require the Welsh Government to take any steps.

Request and response

2. On 16 October 2015, the complainant wrote to the Welsh Government and requested the following information:

"1. During 2015/2016 which food festivals were supported through the Major Events Unit and how much funding did they receive?"

2 What criteria must be met for festivals to receive additional funding from the Major Events Unit?"

3. The Welsh Government responded on 11 November 2016. In response to item one of the request the Welsh Government refused to provide the information by virtue of section 29(1)(b) which provides an exemption from the disclosure of information on the basis that it would or would be

likely to prejudice the financial interests of any administration in the United Kingdom as defined by section 28(2).

4. The Welsh Government informed the complainant that it was relying on section 21 in relation to item two of her request as the information is otherwise available, and provided the link to its website in relation to major events.
5. Following an internal review of item one of the request, the Welsh Government wrote to the complainant on 17 December 2015, upholding its original decision to withhold the information in reliance on section 29(1)(b).
6. Following the Commissioner's intervention, the Welsh Government subsequently withdrew its reliance on section 29(1)(b) of the FOIA and disclosed the information to the complainant.

Scope of the case

7. The complainant contacted the Commissioner 7 January 2016 to complain about the way her request for information had been handled.
8. As the information has now been disclosed to the complainant, the Commissioner will not be discussing the Council's reliance on section 29(1)(b) within this notice. The scope of his investigation is limited to the delay in providing the information to the complainant.

Reasons for decision

Section 10 – time for compliance with request

9. Section 10 of the FOIA states that, 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.
10. The Commissioner notes that the complainant submitted her request on 16 October 2015 and did not receive the requested information in respect of item one of her request until 6 April 2016, and after his intervention. The Welsh Government clearly therefore breached section 10(1) of the FOIA in its handling of this request for information.

Right of appeal

11. 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

12. 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.
13. 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

Anne Jones
Assistant Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF