

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 April 2016

Public Authority: St Patrick's & St Brigid's College
Address: 55 Main Street
Derry
BT47 4HR

Decision (including any steps ordered)

1. The complainant has requested information from St Patrick's & St Brigid's College ("the College") in relation to suspension of pupils from the College during the academic years 2014/2015 and 2015 to date. The College has not to date provided a response to the complainant's request.
2. The Commissioner's decision is that the College has breached sections 1(1) and 10(1) of FOIA.
3. The Commissioner requires the College to take the following steps to ensure compliance with the legislation.
 - To provide a full response to the complainant's request
4. The College 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 9 December 2015, the complainant wrote to the College and requested information in relation to the number of pupils suspended from the College and the amount of days they were suspended for during the academic years 2014/2015 and 2015 to date.
6. The College acknowledged the complainant's request on the same date and asked what organisation the complainant was from. It received the

reply that the complainant was an individual and again wrote to the complainant on the same date asking why the information had been requested. The complainant responded stating that FOIA is motive-blind and that a response was expected within 20 working days as per the provisions of section 10(1) of FOIA.

7. On 9 February 2016, not having received a response from the College, the complainant wrote informing the College that she was referring the matter to the Commissioner.

Scope of the case

8. The complainant contacted the Commissioner on 9 February 2016 to complain that she had still not received a response to her request and it was by now well beyond the 20 working day statutory time limit.
9. The College has still not to date provided a response and the Commissioner has considered the College's handling of the complainant's request.

Reasons for decision

Section 10(1): Time for compliance

10. Section 1(1)(a) of FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.
11. Section 10(1) requires that the public authority comply with section 1 promptly and in any event no later than 20 working days after the date of receipt of the request.
12. The Commissioner notes that the complainant's request for information was made on 9 December 2015, however she did not, and has not to date, received any information, or a valid refusal notice. From the information provided to the Commissioner in this case it is evident that the Commissioner did not respond to the complainant under FOIA within the statutory time frame and therefore it has breached section 10(1) of FOIA.
15. The College has not confirmed that it holds information within the scope of the complainant's request and has not to date provided any information in relation to that request. Therefore it has breached section 1(1) of FOIA.

Right of appeal

16. 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

17. 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.
18. 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

Deirdre Collins
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF