

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 June 2016

Public Authority: Wigan Metropolitan Borough Council
Address: Town Hall
Library Street
Wigan
WN1 1YN

Decision (including any steps ordered)

1. The complainant made a freedom of information request to Wigan Metropolitan Borough Council for details of managers responsible for the Children's Leaving Care Service. The Council originally refused to disclose the information under the exemptions in section 31(1)(c) (law enforcement), section 36(2)(c) (prejudice to effective conduct of public affairs) and section 40(2) (personal information). However, during the course of the Commissioner's investigation the Council agreed to disclose the previously withheld information.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA by failing to disclose all of the withheld information within 20 working days. The Commissioner requires no steps to be taken.

Request and response

3. On 20 November 2015 the complainant made a freedom of information request to the Council which read as follows:

*Can I have the name and contact details including email for the manager directly responsible for the Children's Leaving Care Service.
Can I also have the same details for the post responsible for the service at third tier if different.*

4. The Council responded to the request on 4 December 2015 when it explained that in its view releasing staff names and email addresses would undermine the channels of communication and lead to a loss of time from the authority's core functions, and could lead to the Council receiving more spam emails which would adversely affect the Council through extra time and resources spent dealing with the emails. It refused the request under the exemptions in section 31(1)(c) (law enforcement), section 36(2)(c) (prejudice to effective conduct of public affairs) and section 40(2) (personal information).
5. The complainant subsequently asked the Council to carry out an internal review of its handling of his request and it presented its findings on 19 February 2016. The review upheld the initial response to the request.

Scope of the case

6. On 24 February 2016 the complainant contacted the Commissioner to complain about the Council's decision to refuse to disclose the requested information.
7. During the course of the Commissioner's investigation the Council reconsidered its handling of the request and disclosed the remaining withheld information to the complainant.
8. The complainant was invited to withdraw his complaint but refused and instead asked the Commissioner to issue a decision notice. Since the Council is no longer applying any exemption the Commissioner considers that the scope of this decision notice is to consider whether the Council breached the statutory time for compliance in its handling of the request.

Reasons for decision

Section 10 – time for compliance

9. Section 1 of FOIA provides for a general right of access to information held by public authorities. Section 10(1) provides that a public authority must comply with section 1 promptly and in any event not later than the twentieth working day following the date of receipt of a request for information.
10. In this case the complainant made his request for information on 20 November 2015. The final piece of withheld information was not

communicated to the complainant until 20 June 2016. Therefore the Commissioner has found that the Council breached section 10(1) of FOIA in its handling of the request.

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

Paul Warbrick
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SK9 5AF