

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 June 2016

Public Authority: Plymouth City Council
Address: Ballard House
West Hoe Road
Plymouth
PL1 3BJ

Decision (including any steps ordered)

1. The complainant has requested information about how £75,000 of funding for children and young people's mental health services had been allocated and utilised by Plymouth City Council ("the Council").
2. The Council responded to the request outside of the statutory time for compliance. The Commissioner therefore considers that the Council breached section 10(1) of the FOIA in its handling of this request. The Commissioner requires no steps to be taken.

Request and response

3. On 21 February 2016, the complainant wrote to the Council and requested information in the following terms:

"<https://www.england.nhs.uk/south/2014/12/12/cyp-mh-plymouth/>

Freedom of Information Request.

In respect of the above news from NHS England 2014, please provide evidence and quantify where the £75,000 allocated to commissioning jointly Plymouth city council and new Devon ccg from NHS England has been allocated and utilised."

4. The Council acknowledged receipt of the request on 23 February 2016. It provided a substantive response to the request on 21 March 2016.

Scope of the case

5. The complainant contacted the Commissioner on 4 May 2016 to complain about the way her request for information had been handled. She specified her concern as being about the amount of time the Council had taken to respond to the request.
6. The Commissioner has considered whether the Council dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

7. Section 1(1) provides that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

8. Section 10(1) provides 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."

9. The request's date of receipt was 21 February 2016. The twentieth working day following this was 18 March 2016. However, the Council's response to the request was not sent until 21 March 2016.
10. Therefore, by failing to respond to the request within twenty working days, the Commissioner considers that the Council breached section 10(1) of the FOIA.

Other matters

11. As well as issuing this decision notice, the Commissioner has made a separate record of this failure and this issue may be revisited with the Council should evidence from other cases suggest that this is an ongoing problem.

Right of appeal

12. 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

13. 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.
14. 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

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