

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 20 October 2016

**Public Authority:** Market Drayton Town Council  
**Address:** 18 Frogmore Road  
Market Drayton  
TF9 3AX

### Decision (including any steps ordered)

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1. The complainant has requested information in relation to a discussion document. Market Drayton Town Council (the council) initially responded that no information was held. Following an internal review it provided two emails. The complainant was not satisfied with the time it took the council to provide this information.
2. The Commissioner's decision is that the council has breached section 10(1) of the FOIA as it provided the information it held outside the required 10 working day timeframe.
3. As the information has now been provided, the Commissioner does not require the council to take any steps.

### Request and response

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4. On 2 March 2016, the complainant made the following request to the council:

*"Can I please see ALL correspondence surrounding my 'Discussion Document 12/11/2015'?"*

*"That disclosure should reveal all opinions expressed and any email or other documentation outbound or inbound relating to my report."*

5. The council acknowledged receipt of the request on the 3 March 2016 and then on the 4 and 11 April 2016 it advised that there was no documentation or comments made surrounding the report.

6. The complainant questioned the council's response that no information was held, naming two documents as being held.
7. The complainant contacted the Commissioner on the 18 May 2016 as he was not satisfied with the council's response. The Commissioner contacted the council pointing out that the complainant's 12 April 2016 correspondence should have been treated as a request for an internal review and asked it to carry one out.
8. On the 26 July 2016, the council responded and provided the complainant with two emails in connection with the report.

### **Scope of the case**

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9. The complainant contacted the Commissioner again as he was not satisfied with the time it took for the council to provide him with the information that it held.
10. The Commissioner considers the scope of the case is to determine whether the council breached section 10(1) of the FOIA.

### **Reasons for decision**

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#### **Section 10(1) of the FOIA**

11. Section 10(1) of the FOIA requires a public authority to comply with section 1 of the FOIA within 20 working days following the receipt of the request.
12. Section 1 of the FOIA requires a public authority to provide the requestor with any information held falling within the scope of the request unless the information is subject to any exemptions.
13. In this case the request was made on the 2 March 2016 and the information that was held by the council was not provided until 26 July 2016. This is outside the required 20 working days and therefore the Commissioner finds that the council has breached section 10(1) of the FOIA.
14. As the information has now been provided to the complainant, the Commissioner does not require the council to take any steps.

## Right of appeal

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15. 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)

16. 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.
17. 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**