

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 December 2016

Public Authority: Walsall Council

Address: Civic Centre
Walsall
West Midlands
WS1 1TP

Decision (including any steps ordered)

1. The complainant has requested information relating to the Streetly Cemetery. Walsall Council (the Council) failed to respond to this request for information and the Commissioner's decision is that in doing so the Council breached section 10(1) of the Freedom of Information Act 2000 (FOIA). The Commissioner requires the public authority to provide the complainant with a response to this request in accordance with its obligations under FOIA.
2. The public authority 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 FOIA and may be dealt with as a contempt of court.

Request and response

3. On 10 October 2016, the complainant wrote to the Council and requested information in the following terms:

'I would request all documents correspondence internal and external with regards to the Streetly cemetery graves issues released under the freedom of information act 2000 public access to information held by public authority WMBC.

From 2010 to 2012

Also

From 2012 to 2016

I would like to point out we do not require individual concerned personal details. We understand they will be removed prior to seeing or sending documents.'

4. The Council acknowledged the request on the same day.
5. After a telephone call, on 15 November the Council clarified that the request concerned 'details of records and correspondence the Council has had with you or other third parties referring to the ongoing issues regarding Muslim burials and the permission (or lack of) to lay flower beds and edging stones.'
6. The Commissioner wrote to the Council on 13 December 2016 advising them that they must provide an adequate response to this request as section 17 requires.
7. At the time of writing the Council has failed to respond substantively to the request.

Scope of the case

8. The complainant contacted the Commissioner on 25 November 2016 to complain about the failure of the Council to respond to this request.

Reasons for decision

9. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
10. In this case the Council has breached section 10(1) by failing to respond to the request within 20 working days.

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: <http://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

Pamela Clements
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SK9 5AF