

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 9 March 2017

**Public Authority:** Warrington Borough Council  
**Address:** Quattro 5<sup>th</sup> Floor  
Buttermarket Street  
Warrington  
WA1 2NH

### Decision (including any steps ordered)

---

1. The complainant has requested the name of a person who made accusations about her and correspondence and communications about the complainant. The Council has failed to respond to this request for information.
2. The Commissioner considers that the Council breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - The Council must provide the complainant with a response to this request in accordance with its obligations under FOIA.
4. 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 Act and may be dealt with as a contempt of court.

### Request and response

---

5. On 11 October 2016 the complainant made the following request to the Council:

"...I request disclosure of the name of this person...please forward me all phone call records between Warrington Council and persons since my last request...I also request all copies of any correspondence about me or regarding me between Council Employees and between Warrington Council and members of the public."

6. The Council has not provided a response to this request.

### **Scope of the case**

---

7. The complainant contacted the Commissioner on 19 October 2016 to complain about the way her request for information had been handled.
8. The Commissioner has considered whether the Council dealt with this request in accordance with its obligations under section 10(1) FOIA.

### **Reasons for decision**

---

9. 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."*

10. 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."*

11. The request was made on 22 July 2016 and a response is yet to be provided. The Commissioner therefore finds that the Council breached section 10(1) in failing to respond within 20 working days.

## **Other Matters**

---

12. Due to the nature of the request in this case, the Commissioner considers that the Council will also be required to respond to the complainant under the Data Protection Act 1998 (DPA) as at least some of the requested information is likely to constitute the complainant's own personal data. The Commissioner is therefore investigating the non-response under the DPA separately.

## Right of appeal

---

13. 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)

14. 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.
15. 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 .....

**Gemma Garvey**  
**Senior Case Officer**

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**