

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

Decision notice

Date: 14 August 2017

Public Authority: South Staffordshire Water
Address: Green Lane
Walsall
WS2 7PD

Decision (including any steps ordered)

1. The complainant has requested a list of all street works carried out by South Staffordshire Water that started in 2016, which lasted in excess of two months, along with the dates of the works. The complainant has requested that the information includes the street name and the location.
 2. The Commissioner's decision is that South Staffordshire Water has breached regulation 5(2) of the EIR.
 3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - South Staffordshire Water must provide the complainant with a response to this request in accordance with the EIR.
 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.
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Request and response

5. On 22 February 2017, the complainant wrote to South Staffordshire Water via whatdotheyknow.com and requested information in the following terms:

"Dear South Staffordshire Water Plc

Can you please provide a list of all streetworks (carried out by South Staffs Water) that started in 2016, which lasted in excess of two months, along with the dates of the works? Please ensure this data has the street name and the location."

6. On the 24 March 2017 the complainant wrote to South Staffordshire Water again via whatdotheyknow.com and requested an update on her update.
7. South Staffordshire Water did not respond to either request.

Scope of the case

8. The complainant contacted the Commissioner on 11 April 2017 to complain about the way her request for information had been handled.
9. The Commissioner considers that the scope of the case has been to consider whether South Staffordshire Water dealt with this request in accordance with its obligations under regulation 5 of the EIR.

Reasons for decision

10. Regulation 5(2) of the EIR states that a public authority that holds information should respond as soon as possible and no later than 20 working days after the date of receipt of the request.
 11. From the information provided to the Commissioner it is evident that South Staffordshire Water's failure to provide a response to the information request meant it had breached its obligations set out in regulation 5(2) of the EIR.
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Conclusion

12. The Commissioner's decision is that South Staffordshire Water did not deal with the request for information in accordance with the EIR. In this case South Staffordshire Water has breached regulation 5(2) of the EIR by failing to provide the complainant with a response.

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

Website: 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

Alun Johnson
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF