

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 8 March 2018

**Public Authority:** Worth Matravers Parish Council

**Address:** [worthmatraversparishclerk@gmail.com](mailto:worthmatraversparishclerk@gmail.com)

### Decision (including any steps ordered)

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1. The complainant requested information with regards to speed statistics. Worth Matravers Parish Council (the council) provided the information but the complainant was not satisfied with how long the council took to respond to the request.
2. The Commissioner's decision is the council breached section 10(1) of the FOIA as it did not respond within the required 20 working days following receipt of the request.
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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On 23 July 2017 the complainant made the following information request to the council:

*"I notice that recently speed measuring equipment was in place and will assume that there will be more speed statistics available so please take this also as a F.O.I request for the latest statistics."*

4. On September 2017 the complainant wrote to the council again asking that it responds to his request.
5. The council responded on the 12 September 2017 providing the information.

## Scope of the case

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6. The complainant contacted the Commissioner to complain about the time it took the council to respond to his request.
7. The Commissioner considers the scope of the complaint is to determine whether the council breached section 10(1) of the FOIA –time for compliance.

## Reasons for decision

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### Section 10(1) of the FOIA – Time for compliance

8. Section 10(1) of the FOIA states:

*"Subject to sections (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. Section 1(1)(a) of the FOIA entitles a person making a request for information to a public authority to be informed in writing whether the information is held.
10. In this case the council has advised the Commissioner that it did not hold the information at the time of the request. It said it could have responded accordingly but the council knew that the information was being collated by an external body and it was awaiting its delivery in the near future before supplying it to the complainant.
11. The council considered that advising the complainant this would have been taken by him as an objection to supply the information and therefore would have generated even more correspondence from him to the council.
12. The Commissioner notes the council's comments, but as stated in section 1(1) of the FOIA, the council needs to inform the complainant whether or not it holds the requested information within 20 working days as set out by section 10(1) of the FOIA.
13. In this case, the request was made on the 23 July 2017 and the council did not respond to the complainant until it provided the information on the 12 September 2017. This is outside the required 20 working days and so the Commissioner finds that the council has breached section 10(1) of the FOIA.

14. As the council has now provided the information, the Commissioner does not require it 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**