

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 November 2018

Public Authority: Nailstone Parish Council
Address: The Dairy
Village Farm
Main Street
Stanford on Soar
Leicestershire
LE12 5QA

Decision (including any steps ordered)

1. The complainant requested information about Councillor training.
2. The Commissioner's decision is that Nailstone Parish Council (the Council) has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. As a response has now been provided, the Commissioner does not require the Council to take any further steps.

Request and response

4. On 18 January 2018, the complainant wrote to the Council and requested information in the following terms:

"Please treat this as a Freedom of Information request.

I'd like to know what training each councillor has attended, the date and the cost for each course since the May 2015 election.

I'd also like to know how much is left in this year's budget for training."

5. The Council acknowledged the request on the same day, confirming the request would be dealt with within 20 working days.
6. The complainant contacted the Council on 17 February 2018 regarding the overdue response.
7. The Council provided its substantive response on 23 April 2018.

Scope of the case

8. The complainant contacted the Commissioner on 19 March 2018 to complain about the Council's failure to respond to his information request.
9. On 6 April 2018 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
10. On 29 August 2018 the complainant contacted the Commissioner to request that she issued a decision notice recording the late response.
11. The scope of this decision is therefore to consider the Council's compliance with section 10 of the FOIA.

Reasons for decision

12. Section 1(1) of FOIA states 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."

13. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*

14. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

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

Website: 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

Ben Tomes
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF