

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 November 2019

Public Authority: City of Bradford Metropolitan District Council

Address: Britannia House
Hall Ings
Bradford
West Yorkshire
BD1 1HX

Decision (including any steps ordered)

1. The complainant requested a copy of the minutes of an adult safeguarding board meeting and a list of the attendees. City of Bradford Metropolitan District Council ("the Council") originally provided a redacted version of the minutes but subsequently provided all the information within the scope of the request.
2. The Commissioner's decision is that the Council failed to provide all the information it held within the scope of the request within 20 working days and therefore breached section 10 of the FOIA.
3. The Commissioner does not require further steps.

Request and response

4. On 25 March 2019, the complainant wrote to the Council and requested information in the following terms:

"Under the Freedom of Information Act 2000 I am hereby requesting a copy of the SAR Subgroup minutes for the meeting held on 13th March."

5. The Council acknowledged the request but, after twenty working days, had failed to issue a substantive response. The complainant therefore chased the request in the following terms:

"We have asked you to tell us who the attendees were at the SAR Subgroup meeting on the 13th March."

6. The Council responded on 21 May 2019. It provided a redacted version of the minutes. It relied on section 40(2) to make the redactions which, it claimed, were necessary to protect personal data.
7. The complainant sought an internal review on 31 May 2019. The Council completed its internal review on 11 July 2019. It upheld its original position commenting that:

"The decision to comply with the request by one of the SAB partners to withhold the names of the attenders at the meeting was taken by the Council's FOIA response team after seeking appropriate legal advice."

Scope of the case

8. The complainant first contacted the Commissioner on 12 May 2019 to complain about the way the Council handled her request. At that point, the Council had yet to issue its initial response and the Commissioner's intervention was necessary to prompt a response to be issued.
9. Once the Council had completed its internal review, the complainant contacted the Commissioner again on 15 July 2019 to ask for the Council's position to be investigated.
10. During the course of the Commissioner's investigation, the Council provided the complainant with an unredacted copy of the minutes, but it informed the Commissioner that the actual names of the attendees were never on this document and that it therefore did not hold a list of names.
11. Given that the complainant was clearly interested in establishing who had attended this meeting and given that the Council's responses had created a misleading impression that it was withholding the names, the Commissioner challenged the Council's contention that it did not hold this information. Following a search, the Council was able to locate the original meeting invite from which it could extract the list of attendees. It finally disclosed this to the complainant on 12 November 2019.
12. Whilst the complainant was content with the information which was eventually provided, she was concerned about the length of time it had taken for the Council to provide the information. The Commissioner therefore agreed that a decision notice, focusing on the procedural handling of the request, was appropriate.

13. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

14. Section 1(1) of the 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.*

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

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

16. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
17. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
18. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Council has breached section 10 of the FOIA.

Other matters

19. The Commissioner is concerned that the Council failed to inform the complainant that the minutes she had requested did not contain a list of the names of those who attended.
20. Whilst the Commissioner notes that the complainant's original request was for a copy of the minutes and not for a list of attendees, it was obvious from the subsequent correspondence that the complainant wanted this information. The Commissioner also considers that, in responding in the way that it did, the Council created an (incorrect) expectation that the names were contained within the minutes.
21. Whilst not amounting to a breach of its duty to advise and assist the requestor, the Commissioner considers that the Council could have been more helpful in this regard.

Right of appeal

22. 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@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

23. 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.
24. 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

**Phillip Angell
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**