

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 September 2019

Public Authority: Sport Wales
Address: Sophia Gardens
Cardiff
CF11 9SW

Decision (including any steps ordered)

1. The complainant requested information on the impact which the National Sports Lottery has had on the provision and refurbishment of sports centres.
2. The Commissioner's decision is that Sport Wales 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. The Commissioner requires Sport Wales to take the following step to ensure compliance with the legislation.
 - Sport Wales must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. Sport Wales must take this step 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 30 April 2019, the complainant wrote to Sport Wales and requested information in the following terms:

"The Sports Leisure Legacy Project is seeking to document the history of the UK Sports Centre from 1966 to the present day.

The project has to date successfully progressed the story from its inception to the mid-1990s. We are now seeking to continue this work and are seeking information on the impact which the National Sports Lottery has had on the provision and refurbishment of sports centres. As a member of the project's editorial board I have been tasked with obtaining this information.

For the purpose of the project and this request we have defined "sports centres" in line with the definition originally adopted by the former Sports Council as – "an indoor centre with a sports hall and some other facilities which may include a swimming pool and has significant use by the general public."

Could you please provide a list of all such centres funded by the National Sports Lottery Fund.

Please identify the projects by -

Year of opening (or if not yet open by year grant aided)

Sponsoring body/ Applicant

Local Authority Area."

6. Sport Wales did not acknowledge the request. On 1 June 2019, 18 June 2019 and 5 August 2019, the complainant sent further correspondence to Sport Wales asking for a response to be provided. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 7 August 2019 to complain about Sport Wales' failure to respond to their request.
8. The Commissioner has considered whether Sport Wales has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. 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."

10. 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"*.

11. On 20 August 2019 the Commissioner wrote to Sport Wales, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

12. Despite this intervention Sport Wales has failed to respond to the complainant.

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

Right of appeal

14. 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

15. 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.
16. 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
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Cheshire
SK9 5AF**