

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 12 June 2020

**Public Authority:** Richard Huish College  
**Address:** South Road  
Taunton  
Somerset  
TA1 3DZ

#### **Decision (including any steps ordered)**

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1. Through three, multi-part requests the complainant requested information associated with car parking matters. Richard Huish College ('the College') released some information and released further information during the course of the Commissioner's investigation.
2. The Commissioner's decision is as follows:
  - The College breached section 10(1) of the FOIA as it did not communicate to the complainant all the relevant information it holds within 20 working days of receiving the requests.
3. The College has now complied with section 1(1) of the FOIA and the Commissioner does not require it to take any remedial steps.

#### **Request and response**

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4. Via the WhatDoTheyKnow website, on 7 June 2019 the complainant wrote to the College and requested information in the following terms:

### **Request 1**

*"Q1. For the past 5 years, please supply copies of the minutes of Governor meetings where student parking problems have been raised/discussed?"*

*Q2. Please supply copies of any communication (letter, email, phone notes etc) in the past 5 years between the college and the County Council where student parking problems were raised?"*

*Q3. Please supply copies of any communication (letter, email, phone notes etc) in the past 5 years between the college and Bishop Fox's school where student parking problems were raised?"*

*Q4. Please supply copies of any communication (letter, email, phone notes etc) in the past 5 years between the college and Taunton Deane Borough Council (or it's recent successor Somerset West & Taunton Council) where student parking problems were raised?"*

### **Request 2**

*"Only anonymised statistical information is required so that there are no breaches of privacy i.e. NOT looking for student names, car details etc.*

*Q1. Does the college keep a record of complaints or enquiries about illegal or inconsiderate parking outside of the college car parks in the surrounding neighbourhoods?"*

*For the past 5 years please supply:*

*a) The total number of complaints or enquiries received about illegal/inconsiderately parked student cars by academic year.*

*b) A street by a street breakdown of the number of complaints/enquiries about illegal/inconsiderately parked student cars by street/road by academic year.*

*Q2. The number of calls made to the Police about illegal/inconsiderately parked student cars where student details were unknown by academic year."*

### **Request 3**

*"Q1. Does Richard Huish have a student transport/parking policy? If so, please supply a copy.*

*NB Please note that the college website has broken links.*

*Q2. Does Richard Huish have an enrolment agreement that students sign up to governing behaviours etc? If so, please supply a copy."*

5. The College responded to all three requests on 28 June 2019. It addressed some of the complainant's questions, said it does not hold some of the requested information and released other information.
6. The complainant wrote to the College about its response on 4 July 2019 and submitted further queries.
7. The College provided a response to this correspondence on 26 July 2019. It maintained its position regarding part of its response to the original requests. The College advised that it would write to the complainant again with a final response to some parts of his original requests and his further queries.
8. On 12 September 2019, the College wrote to the complainant and addressed his broad concerns. It said this was its final response to his queries and advised the complainant that it would not respond to any more questions or queries from him.
9. In correspondence on 18 September 2019 the complainant formally requested an internal review of the College's response to his three requests of 7 June 2019.
10. The College wrote to the complainant on 19 September 2019, repeating that it would not write to him further on the matter.
11. As a result of the complainant's complaint to the Commissioner, the College reconsidered its response to the requests. On 22 May 2020 it wrote to the complainant again and released further information that is relevant to his requests.

### **Scope of the case**

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12. The complainant first contacted the Commissioner on 18 October 2019 to complain about the way his requests for information had been handled.
13. Following the College's further response to him of 22 May 2020, the Commissioner invited the complainant to withdraw his complaint and conclude the matter informally. The complainant preferred to conclude his complaint through a decision notice.
14. The Commissioner's investigation has focussed on the College's compliance with section 10 of the FOIA. She has considered other

concerns that the complainant raised about the College under 'Other Matters'.

## Reasons for decision

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### Section 10 – time for compliance

15. Under section 1(1) of the of the FOIA, anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to him or her if it is held and is not exempt information.
16. Section 10(1) of the FOIA obliges a public authority to comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
17. In this case, the complainant submitted his requests to the College on 7 June 2019. The College did not communicate to him all the relevant information it holds until 22 May 2020 and therefore did not comply with section 10(1) of the FOIA on this occasion.

### Other matters

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18. In his complaint to the Commissioner, the complainant has also expressed concern with the College's handling of the internal review, matters associated with its publication scheme, and staff training.
19. First, internal reviews. Although internal reviews are not a requirement under the FOIA, they are a matter of good practice and are discussed under part 5 of the Section 45 [Code of Practice](#). The Commissioner advises the College to refresh itself on the Code of Practice's recommendations on internal reviews.
20. Second, section 19 of the FOIA places an obligation on public authorities to adopt and maintain a publication scheme and to publish information in line with that scheme. The Commissioner reminds the College that if its publication scheme states that it will pro-actively publish certain information – for example meeting minutes – it should ensure that that information is indeed pro-actively published.
21. Finally, the Commissioner recognises that some public authorities, particularly smaller ones, may not deal with many FOIA requests. They may not therefore build up experience in handling them. However, all staff members likely to deal with such requests should receive

appropriate training. The Commissioner also publishes guidance on her website on all aspects of the FOIA and Environmental Information Regulations, and on handling requests for information made under this legislation<sup>1</sup>.

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<sup>1</sup> <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/>

## **Right of appeal**

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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](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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**

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