

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 September 2021

Public Authority: Kirby Muxloe Parish Council
Address: Station Road
Kirby Muxloe
Leicester
LE9 2EN

Decision (including any steps ordered)

1. The complainant requested from the Kirby Muxloe Parish Council (the "Council") a copy of their Press and Media policy.
2. The Commissioner's decision is that the Council failed to respond to the requests within 20 working days and therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. As a response has been issued, the Commissioner does not require the Council to take any further steps.

Request and response

4. On 10 May 2021, the complainant wrote to the Council and requested information in the following terms:

"Another omission from the current website is a press/media policy. The standing orders of all council's including here (see Standing Orders paragraph 4.j.xviii) require that a press/media policy, which must now include a social media policy, is in place and reviewed annually. The haphazard and arbitrary use of the council's Facebook page and others in the village is evidence of a lack of any agreed policy or procedure whether by staff or councillors. If there is a relevant policy which has

not been published then please provide me with a copy. Otherwise please confirm that its omission is to be urgently addressed."

Scope of the case

5. The complainant contacted the Commissioner on 14 May 2021 to complain about the way his request for information had been handled.
6. In line with her usual practice, the Commissioner contacted the Council on 17 June 2021, 6 July 2021 and 9 July 2021, to highlight the outstanding response. She requested that the Council respond to the request within 10 working days.
7. The Council provided a response to the request for information on 25 July 2021.
8. This decision notice deals purely with the timeliness of the response to the request submitted to the Council on 14 May 2021.

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. From the evidence provided to the Commissioner in this case, it is clear that in failing to issue a response to the requests within 20 working days, the Council has breached Section 10(1) of the FOIA.

Right of appeal

12. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

13. 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.
14. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF