

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 June 2021

Public Authority: Caerphilly County Borough Council
Address: Penalta House
Tredomen Park
Hengoed
CF82 7PG

Decision (including any steps ordered)

1. The complainant requested information from Caerphilly County Borough Council ("the Council") relating to the Council's recycling targets.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. A response has subsequently been provided and no steps are required.

Request and response

4. On 14 March 2021, the complainant wrote to the Council and requested information in the following terms:

"To define what discussions the Council, Officers, Leader and Cabinet Members have had with the Welsh Government over the recovery targets in 2019/20 on recycling as Caerphilly was short by 1391 tonnes, and if a fine will be imposed or waived . Can all copies of correspondence be provided internally and externally between all the above parties"
5. The Council responded to the complainant's information request on 8 June 2021.

Scope of the case

6. The complainant contacted the Commissioner on 18 June 2021 to complain about the Council's failure to respond to his request within 10 working days and to request a decision notice considering the Council's compliance with the FOIA.
7. 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

8. Section 10 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.*

9. 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.*"
10. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of the FOIA.

Right of appeal

11. 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

12. 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.
13. 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