

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 September 2021

Public Authority: South Somerset District Council

Address: Brympton Way
Yeovil
BA20 2HT

Decision (including any steps ordered)

1. The complainant requested information from South Somerset District Council ("the Council") relating to email correspondence between the Chief Executive and the Freedom of Information team.
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 issued and no steps are required.

Request and response

4. On 5 May 2021, the complainant wrote to the Council and requested information in the following terms:

"I wish to see:

1. *Copies of all email correspondence between the chief executive and the Freedom of Information Team in September and October 2019*
2. *Copies of all email correspondence between the chief executive and the Freedom of Information Team in March and April 2021"*

5. The Council wrote to the complainant on 6 May 2021 to acknowledge receipt of the request.
6. On 3 June 2021 and 16 June 2021, as the complainant had not received a response, he wrote to the Council to ask for an update on the status of his request.
7. The complainant contacted the Commissioner on 18 June 2021 to complain about the Council's failure to respond to his request.
8. The Commissioner contacted the Council on 29 July 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. The Commissioner also contacted the complainant on 29 July 2021 to explain that the Council has been given 10 working days from that date within which to provide a response to their request.
10. The Council responded to the complainant's information request on 12 August 2021.

Scope of the case

11. The complainant contacted the Commissioner on 27 August 2021 to request a decision notice considering the Council's compliance with the FOIA.
12. 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

13. 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.*

14. 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."*
15. 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

16. 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

17. 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.
18. 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