

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 17 September 2021

**Public Authority:** Maldon District Council  
**Address:** Council Offices  
Princes Road  
CM9 5DL

#### Decision (including any steps ordered)

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1. The complainant requested information from Maldon District Council ("the Council") about communications between the council and applicant reference: **[redacted]** or the applicant's agents.
2. The Commissioner's decision is that the Council failed to respond to the request 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

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4. On 11 May 2021, the complainant wrote to the Council and requested information in the following terms:

*"Please share details of all communications (including notes or emails summarising calls) between the council and the applicant of [redacted] or its agents in the past 2 months."*

5. The Council provided a response on 23 June 2021.

## Scope of the case

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6. The complainant contacted the Commissioner on 12 July 2021 to complain about the failure by the Council to respond to his request,
7. The Commissioner therefore considers the scope of the case to be whether the Council complied with its obligations under section 1 of the FOIA (general right of access to information held by public authorities) and section 10 (time for compliance with the request).
8. This decision notice deals purely with the timeliness of the response to the request provided by the Council on 23 June 2021.

## Reasons for decision

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9. 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."
10. On 17 August 2021 and 1 September 2021 the Commissioner wrote to the Council via email, to two, separate email addresses, asking it to provide a substantive response to the information request within 10 days and stating that a decision notice would be issued in the event of non-compliance with the time frame given. On both occasions an automated response was received notifying that the email accounts were not monitored.
11. On 1 September 2021 the Commissioner contacted the Council via a telephone call with regards to the correct email address and was advised to email the Data Protection Officer. The Commissioner wrote to the

Data Protection Officer via email the same day. On 9 September 2021 the Commissioner contacted the Data Protection Officer via telephone and was advised that a substantive response would be provided by close of business 10 September 2021. On 10 September 2021 the Council notified the Commissioner that a substantive response had been issued to the Complainant on 23 June 2021 and attached a copy of that response.

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

## Right of appeal

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13. 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](mailto:grc@justice.gov.uk)

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

14. 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.
15. 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**