

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

### **Decision notice**

**Date:** 8 December 2021

**Public Authority:** City of Wolverhampton Council

**Address:** Civic Centre  
St Peter's Square  
Wolverhampton  
WV1 1SH

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

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1. The complainant requested information from the City of Wolverhampton Council ("the Council") about electoral fraud including copies of documents relating to an investigation. By the date of this notice the Council had failed to provide a substantive response to this request.
2. The Commissioner's decision is that the Council has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - Respond to the complainant's request in accordance with the FOIA.
4. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

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

*"I request copies of all documents that may be redacted to remove personal data in relation to the above investigation (electoral fraud) and I am not convinced that you have fully investigated the matter in any detail. In addition, I do not believe that the audit department has conducted any investigation. Under the FOI I wish for you to disclose all documents utilised to investigate this matter, including all evidence obtained and reasons why the matter has not been passed to the police."*

6. To date, a substantive response has not been issued.

## Scope of the case

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7. The complainant contacted the Commissioner on 9 November 2021 to complain about the failure by the Council to respond to his request.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10 (1) of the FOIA.

## Reasons for decision

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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. On 17 November 2021, the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

12. Despite this intervention the Council has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the FOIA. The Commissioner finds the Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## Right of appeal

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14. 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)

15. 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.
16. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**