

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 June 2021

Public Authority: Caerphilly County Borough Council
Address: foi@caerphilly.gov.uk

Decision (including any steps ordered)

1. The complainant requested information about a previous request which had been submitted to Caerphilly County Borough Council ("the Council") by a third party. 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. However, as the Council has now provided the complainant with a response, the Commissioner does not require any steps to be taken as a result of this decision notice.

Request and response

2. On 3 August 2020, the complainant wrote to the Council and requested information in the following terms:
"(1) Can you ask the person who submitted the request to provide their name please on 20/0712.
(2) Has the request now been actioned please
(3) The number of days it took from receipt please
(4) The content of the information which referred to [name redacted]"
3. The Council responded on 10 November 2020 and provided the information held relevant to parts 2-4 of the request, but withheld the name of the individual who submitted the information request under section 40(2) (personal information) of the FOIA.
4. On 2 December 2020 the complainant requested an internal review of the Council's handling of the request.

5. The Council provided the outcome of its internal review on 28 January 2021 and acknowledged that it breached section 10 in failing to respond to the request within the required timescale, but upheld its decision that section 40(2) applied to part 1 of the request.

Scope of the case

6. The complainant contacted the Commissioner initially on 10 November 2020 and again on 31 January 2021 to complain about the Council's handling of the request.
7. Following correspondence with the complainant about the scope of his complaint, the complainant asked the Commissioner to issue a decision notice relating specifically to the delay in the Council responding to his request.
8. The scope of this notice is therefore to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

Section 10 – time for compliance

9. Section 1 of FOIA provides for a general right of access to information held by public authorities. Section 10(1) provides that a public authority must comply with section 1 promptly and in any event not later than the twentieth working day following the date of receipt of a request for information.
10. In this case the complainant made his request for information on 3 August 2020. The Council responded to the request on 10 November 2020. As the Council failed to issue a response to the request within the required timescale it breached section 10(1) 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

Joanne Edwards
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