

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 April 2021

Public Authority: Peterlee Town Council
Address: Shotton Hall
Peterlee
County Durham
SR8 2PH

Decision (including any steps ordered)

1. The complainant requested particular meeting minutes from Peterlee Town Council ('the Council') and the Council has released the relevant information it holds.
2. The Commissioner's decision is as follows:
 - The Council breached section 10(1) of the FOIA as it did not comply with section 1(1) within the statutory timeframe of 20 working days following the date of receipt of the request.
3. The Council has now complied with section 1(1) and the Commissioner does require it to take any further remedial steps.

Request and response

4. The Commissioner understands that on 2 September 2020 the complainant wrote to the Council and requested any information relating to a Council meeting held on 8 September 2014. The Council acknowledged receipt of this request on 9 September 2020.
5. The complainant did not receive a substantive response to the request and referred the matter to the Commissioner.

6. The Commissioner wrote to the Council on 14 December 2020 and instructed it to provide a response to the request within 10 working days.
7. The complainant advised the Commissioner on 10 January 2021 that they had yet to receive a response. The Council finally provided the complainant with a response to their FOIA request on 10 February 2021, communicating relevant information to them.

Scope of the case

8. The complainant first contacted the Commissioner on 24 November 2020 to complain about the way their request for information had been handled.
9. As has been noted, the Council went on to provide a response to the request. The Commissioner advised the complainant that, as in all such cases, the Council's breach of section 10(1) of the FOIA would be recorded; however the complainant preferred the Commissioner to make a formal decision on the matter.
10. The Commissioner's investigation has focussed on whether the Council has complied with its obligation under section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance

11. Under section 1(1) of the FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told whether the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not subject to an exemption.
12. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
13. In this case, the complainant submitted their request to the Council on 2 September 2020 and the Council did not provide a response that complied with section 1(1) of the FOIA until 10 February 2021. The Council therefore breached section 10(1) with regards to this request.

Right of appeal

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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: 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

Pamela Clements
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF