

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 June 2022

Public Authority: Ibstock Parish Council
Address: Ibstock Miners Welfare Site
9 Leicester Road
Ibstock
LE67 6HN

Decision

1. The complainant requested information from Ibstock Parish Council ("the Council") relating to the Council's most recent audit.
2. The Commissioner's decision is the Council failed to provide an adequate response to the request. Consequently the Commissioner finds that the Council breached section 1(1) and section 10(1) of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - The Council must issue a fresh response to the request. This response must confirm or deny whether the requested information is held. If the requested information is held, the Council must either disclose it or provide an adequate refusal notice.
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 FOIA and may be dealt with as a contempt of court.

Request and response

5. The complainant wrote to the Council and requested "a copy of the most recent audit."
6. The complainant has not provided the Commissioner with a copy of their request. However, they have provided the Commissioner with a copy of an email they sent to the Council on 28 September 2021 in which they repeat their request and ask for an update on the Council's response.
7. The complainant has also provided the Commissioner with a copy of the Council's response to their request dated 4 October 2021, in which the Council repeats the request. The Commissioner considers this email to be evidence that the complainant submitted a valid request for information to the Council.
8. In response to the request, the Council did not provide the complainant with a copy of its most recent audit but offered the complainant the opportunity to view the audit in person.

Reasons for decision

9. This reasoning covers whether the Council has complied with its obligations under section 1(1) (general right of access to information) and section 10(1) (time for compliance) of the FOIA.
10. The position of the Council is that by offering the complainant the opportunity to view the requested information in person, they have complied with their obligations under the FOIA.
11. The complainant considers that although the Council offered them the opportunity to view the requested information in person, as the Council has not provided them with a copy of its most recent audit, the Council has not complied with the request.
12. The Commissioner recognises that the Council has offered the complainant the opportunity to view the requested information in person. However, as the complainant has specifically requested a copy of the Council's most recent audit, allowing the complainant to view the requested information in person instead is not an adequate response to the request.
13. The Commissioner's decision is that the Council failed to provide the complainant with an adequate response to their request and therefore,

breached section 1(1) (general right of access to information) and section 10(1) (time for compliance) of the FOIA.

14. The Commissioner requires the Council to provide the complainant with a fresh response to their request. The Council should either provide the complainant with copy of its most recent audit as requested, or an adequate refusal notice should be provided.

Right of appeal

15. 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

16. 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.
17. 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

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