

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 April 2022

Public Authority: Three Rivers District Council

Address: Three Rivers House
Northway
Rickmansworth
Herts
WD3 1RL

Decision (including any steps ordered)

1. The complainant requested information from Three Rivers District Council ("the Council") relating to grassland management and refuse collection. By the date of this notice the Council had not issued 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 step to ensure compliance with the legislation.
 - The Council must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council must take this step 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

5. On 10 February 2022, the complainant wrote to the Council and requested information in the following terms:

"I hope you're well. Please find two FOI requests below, I'd really appreciate it you can turn these around within the one month deadline.

1: Can you please provide me with any messages (email, text, written etc etc) between the following recipients or with any of them as sender, reciever, cc, bcc etc:

[names redacted]

Between the period of 1 Nov and present only, regarding the cutting (or not cutting- management of general) of TRDC owned or managed (or previously managed) grassland or land, especially those regarding my motion below of 24 November or my amendment and participation in the work programme of the LEC committee regarding re wilding land/leaving grass to grow or otherwise the management of our land or land we have an involvement in.

2: Has TRDC ever costed a outsourced (any non in house or shared operation) for refuse, recycling and/or other depot operations?"

6. Whilst the Council has not acknowledged this request, the complainant has provided evidence which shows that the request was sent to an email address published by the Council. Therefore, the Commissioner has assumed that the request was received by the Council.
7. By the date of this notice, the Council has not provided the complainant with a substantive response to their request.

Scope of the case

8. The complainant contacted the Commissioner on 21 March 2022 to complain about the Council's failure to respond to their request.
9. 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

10. 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.”

11. 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”.

12. On 24 March 2022 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

13. Despite this intervention, the Council has failed to respond to the complainant.

14. 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 that 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

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: 0203 936 8963
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

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