

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 June 2022

Public Authority: Swansea Council
Address: Civic Centre
Oystermouth Road
Swansea
SA1 3SN

Decision (including any steps ordered)

1. The complainant requested information from Swansea Council ("the Council") about subject access request compliance times since 25 May 2018.
2. The Commissioner's decision is that the Council breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 6 May 2022, the complainant made the following request for information:

"For all subject access requests (SAR), namely requests made by or on behalf of an individual for the information which they are entitled to ask for under Article 15 of the UK GDPR, received since 25 May 2018, please provide:

a) The date a data subject (or someone acting on their behalf) asserted their right of access to the Council

b) The method of asserting the right of access, eg being kettled through Swansea Council's badly worded webform, verbally, by email, via a letter mailed or hand delivered to the Council, by social media etc.

c) The party making the request, ie an individual themselves, a relative, friend, solicitor, child advocacy service, charity, attorney etc. Please note I am not asking you to identify any individual or third party, just the relationship of the requestor to the data subject

d) The scope of the SAR, ie if limited to particular functional area(s) or set(s) of records within the Council, or whether the request encompassed all the processing of personal information performed by Swansea Council

e) The date on which Swansea Council fully complied with the SAR. By "fully" I mean that where a data subject had to lodge a complaint with the ICO or another supervisory authority, the final date that Swansea Council came into compliance

f) If Swansea Council has extended the time to respond (beyond the Controller's duty to the comply with a SAR without undue delay and at the latest within one month of receipt of the request or within one month of receipt of any information legitimately requested to confirm the requester's identity) then please identify the reason to seek such an extension

Please ensure that all data provided is in a reusable format at 3* Level (or above), per the Welsh Government's Open Data Plan (2016)."

4. The Council responded to the request for information on 8 June 2022.

Scope of the case

5. The complainant contacted the Commissioner on 8 June 2022 to complain about the Council's failure to respond to their request within the statutory time frame of FOIA.
6. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

7. Section 1(1) of 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.”

8. Section 10(1) of 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”.
9. 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 FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

10. 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

11. 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.
12. 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