

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated: 13th June 2005

Name of Public Authority: Birmingham City Council

Address of Public Authority: The Council House
Birmingham
B1 1BB

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 15 January 2005 the following information was requested from Birmingham City Council under the Freedom of Information Act 2000 (the "Act"):

"Information held by all directorates within Birmingham City Council from January 1994 to January 2005 relating to Planning Application N/02637/RES, N/00798/96/out and N06318/04/FUL."

It is alleged that Birmingham City Council did not provide the complainant with the information requested.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner has under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

(1) In failing to confirm or deny whether the information specified in the request was held by directorates other than the planning department, Birmingham City Council did not comply with section 1(1) of the Act. Section 1(1) states:

"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."

(2) In failing to comply with section 1(1) of the Act within twenty working days Birmingham City Council breached section 10(1) of the Act. Section 10(1) states:

“...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

Action Required

The Commissioner understands that the complainant has now received a full response to their request. In view of this no further action is required to be taken by Birmingham City Council in relation to the complainant's request.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 277
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 13th day of June 2005

Signed:

Richard Thomas
Information Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF