

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 6 October 2011

**Public Authority:** Nottingham City Council  
**Address:** Loxley House  
Station Street  
Nottingham  
NG2 3HX

#### Decision (including any steps ordered)

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1. The complainant requested the service agreement that was in place at the time of the request between Nottingham City Council (the council) and UNIPOL which is a charity involved in student housing.
2. The Information Commissioner's (the "Commissioner's") decision is that the council did not deal with the request for information in accordance with the Freedom of Information Act (the "Act") in the following way:
  - It failed to provide a response to the request within the statutory time frame of 20 working days.
3. The Commissioner's decision is that the council takes the following steps to ensure compliance with the Act:
  - To comply with the Act by confirming or denying whether the requested information is held.
  - If information is held, either provide it or issue a valid refusal notice as set out in the Act.
4. The public authority 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 (or the court of session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

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5. On 6 April 2011, the complainant wrote to the council and requested information in the following terms:

*"Under the Freedom of Information Act I am requesting, on behalf of EMPO [East Midlands Property Owners], the service agreement that is in place between Nottingham City Council and UNIPOL.*

6. The council acknowledged his request on several occasions and the complainant also sent chaser letters to the council on 18 May 2011 and 13 June 2011.
7. On 27 May 2011 the complainant states that he had verbal confirmation from the department that he had originally made his request to that the information he had requested had been forwarded to the Information Governance Department.

## Scope of the case

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8. On 20 June 2011 the complainant contacted the Commissioner to complain about the lack of response by the council to his request for information.
9. The Commissioner reminded the council on 21 July 2011 of its obligations under the Act and requested that it respond to the complainant's request within 10 working days.
10. The council acknowledged the Commissioner's letter on 1 August 2011.
11. On 15 August 2011 the Commissioner wrote again to the council outlining the complaint he had received.
12. The letter was again acknowledged by the council on 17 August 2011.
13. Despite the letters detailed above, the council has failed to respond to the complainant or the Commissioner.
14. On 29 September 2011 the council were telephoned about the lack of response to either the complainant or the Commissioner.

## Reasons for decision

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15. The Commissioner considered whether the council has responded to the request of 6 April 2011 in line with the provisions of the Act.
16. Despite the intervention of the Commissioner, the council has not responded to the complainant's request for information or conducted an internal review.
17. Section 10(1) of the Act states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
18. From the information provided to the Commissioner in this case it is evident that the council did not respond to the complainant within the statutory time frame.

## Other matters

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19. The Commissioner considers that this complaint demonstrates that there are a number of deficiencies in the procedures carried out by the council which were previously evidenced in Practice Recommendations issued by the Commissioner on 23 October 2007. The council is currently being monitored for its compliance with the Act.<sup>1</sup>

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<sup>1</sup> [http://www.ico.gov.uk/what\\_we\\_cover/monitoring\\_compliance.aspx](http://www.ico.gov.uk/what_we_cover/monitoring_compliance.aspx)

## Right of appeal

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20. 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: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

21. 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.
22. 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** .....

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**