

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 October 2011

Public Authority: Northamptonshire Fire and Rescue Service

Address: Fire Service Headquarters
Moulton Way, Northampton
Northamptonshire
NN3 6XJ

Decision

1. The complainant requested information about the use of a particular piece of equipment from Northamptonshire Fire and Rescue Service ('the service').
2. The Commissioner's decision is that the council did not deal with the request in accordance with the Freedom of Information Act ('the Act'). The Commissioner considers that the council has breached section 10(1) of the Act by failing to disclose the requested information within 20 working days. He does not require the council to take any further action.

Request and response

3. On 5 July 2011 the complainant wrote to the council via postal mail to make a request for information about the use of a device called the Balcan Emergency Life Line. On 6 July 2011, the complainant emailed a copy of this letter to one of the service's officers.
4. The service did not respond until 10 October 2011, after the intervention of the Commissioner.

Scope of the case

5. The complainant contacted the Commissioner to complain about the council's failure to respond to his request within the statutory time for compliance.

Reasons for decision

6. Section 1(1) requires a public authority in receipt of a request to confirm whether it holds the requested information, and if so, disclose it to the applicant. Section 10(1) provides that this must be done within 20 working days of receiving a request.
7. The complainant's request was submitted on 5 July 2011 via hard copy, and 6 July 2011 via email. The service states that it did not receive this request, although it acknowledges that the email address used for the version sent on 6 July 2011 is correct. It suggests that it is possible that this email was quarantined or redirected into a 'junk' folder. In any case, the Commissioner is satisfied that the service received the request, and consequently he finds a breach of section 10(1) of the Act. The service has now responded to the complainant's request and the Commissioner does not require it to take any further action.

Right of appeal

8. 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

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

9. 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.
10. 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
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Cheshire
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