

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 November 2011

Public Authority: Suffolk County Council
Address: Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

Decision (including any steps ordered)

1. The complainant requested information about the tendering process undertaken in the appointment of a specific solicitor by the council.
2. The Commissioner's decision is that Suffolk County Council [the council] has supplied the complainant with all of the requested information. The information was not supplied within 20 working days and therefore the council has breached section 10(1) of the Freedom of Information Act 2000 [the Act].
3. The Commissioner does not require the council to take any further action.

Request and response

4. On 4 July 2011, the complainant wrote to the council and requested information in the following terms:

"Please send detailed information explaining each stage of the process followed when appointing law firm Wragge & Co to investigate whistleblower allegations relating to the alleged bullying and harassment and associated 'management style' of former Chief Executive Andrea Hill

The information provided should be set out clearly and legibly in order to guide the public through each stage, and to satisfy the strong local and national public interest in this area.

With large sums of public money at stake, council tax payers would

expect and demand such an appointment to follow a fair tendering process - with thoroughness, evenhandedness and the normal checks and balances intended to avoid any subsequent allegations of partiality or bias"

5. The council responded on 10 August 2011. The council provided the complainant with the information he had requested.
6. Following an internal review the council wrote to the complainant on 30 August 2011. The council confirmed that it had provided all of the requested information and acknowledged that it had failed to respond to the initial request within 20 working days.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way his request for information had been handled. This decision notice therefore concerns the council's late response which was in breach of section 10(1) of the Act.

Reasons for decision

8. Section 10(1) of the Act provides that a public authority should comply with section 1(1) within 20 working days. 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.
9. The request was submitted on 4 July 2011, and the council responded on 10 August 2011. Consequently the Commissioner finds that the council has breached section 10(1) of the Act.

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: 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

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

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