

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 January 2012

Public Authority: Sheffield Homes

Address: PO BOX 483
M33 0DH

Decision (including any steps ordered)

1. The complainant requested information from Sheffield Homes relating to procedures at meetings. Sheffield Homes said that it did not hold the requested information. It subsequently identified that it did hold some relevant information and it provided that to the complainant.
2. The Commissioner's decision is that Sheffield Homes breached section 10(1) of the Freedom of Information Act 2000 ("the FOIA") by failing to provide the information that it held within the statutory time frame for compliance which is 20 working days from receipt of the request.

Request and response

3. On 4 September 2011, the complainant requested information from Sheffield Homes in the following terms:

"1. At a recent open public meeting of a TARA, which included the conclusion of the business of an AGM from a previous meeting, it was stated by Sheffield Homes that the AGM agenda item that selected then elected the new TARA committee and officers must be officiated by either Sheffield Homes or an Elected Member of Sheffield City Council, as representing the landlord.

2. Sheffield Homes had a set of documents that appeared to include a checklist for AGM items, and what appeared to be a flow chart for the process of selected and electing the new TARA committee and its officers.

Could you please provide:

The Governance rules for TARA AGM's, with the documents supporting the rules claim at 1 above, and

Copies of the documents that Sheffield Homes uses, including those indicated at 2 above, for its supervision/management of TARA AGMs".

4. Sheffield Homes responded on 9 November 2011 and said that it did not consider that it held the information requested. It attached a document that it called a "recognition policy" to assist.
5. On 9 November 2011, the complainant asked Sheffield Homes to undertake an internal review as he did not accept that the information requested was not held.
6. Sheffield Homes responded and said that it had managed to track down some of the information requested and it said that it had attached the relevant documents.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way his request for information had been handled. He asked the Commissioner to make a decision regarding the delay he had experienced.

Reasons for decision

8. Section 10(1) of the FOIA provides that when a request for information is made, a public authority should respond within 20 working days and provide the recorded information that is held unless there is a valid reason for refusing the request under the FOIA. In this case, the authority responded at a late stage and therefore breached this section of the FOIA.

Right of appeal

9. 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

10. 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.
11. 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
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