

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 October 2012

Public Authority: Council of the Isles of Scilly
Address: Town Hall
St Mary's
Isles of Scilly
TR21 OLW

Decision (including any steps ordered)

1. The complainant made a request for the amount spent by the Council in legal fees processing his FOI requests, broken down by each request. Whilst receipt of this request was acknowledged by the Council, no substantive response has been provided to the complainant. The Information Commissioner's decision is the Council did not deal with the request for information in accordance with the FOIA. The Council breached section 10(1) FOIA by failing to provide a response to the request within the statutory timeframe of 20 working days.
2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:
 - confirm or deny whether the requested information is held, to comply with section 1(1)(a);
 - if the information is held, either provide the information to comply with section 1(1)(b), or withhold the information by issuing a valid refusal notice under section 17(1) of FOIA.
3. 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 pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

4. On 10 December 2010, the complainant wrote to the Council and requested information in the following terms:

"How much has the council spent on legal fees for foi's requested by myself? Please break this figure out for each foi."
5. Following the complainant chasing the request, the Council acknowledged receipt of this request on 17 January 2011. However, based on the information provided to the Commissioner, it has not responded to date.

Scope of the case

6. The complainant contacted the Commissioner to complain about the way his request for information had been handled. He specifically asked the Commissioner to consider the fact that no substantive response had been provided.

Reasons for decision

7. Section 8(1) of FOIA states that requests for information should be in writing, should bear the name and address of the applicant and describe the information requested. The Commissioner considers that the request in this case can be defined as such and therefore constituted a valid request under FOIA for recorded information.
8. Section 10(1) FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
9. The Commissioner has written to the Council asking whether it has corresponded further with the complainant about this request but has not received a response. However, the complainant has confirmed to the Commissioner that they have not received any further correspondence from the Council regarding the request. From the information available to the Commissioner, it appears that the Council did not respond to the complainant within the statutory time frame.

Conclusion

10. The Information Commissioner's decision is that the Council did not deal with the request for information in accordance with FOIA. The Council

has breached section 10(1) of FOIA by failing to provide a response to the request within the statutory timeframe of 20 working days.

Right of appeal

11. 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

12. 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.
13. 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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