

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 28 May 2013

**Public Authority:** Nottingham City Council

**Address:** Loxley House  
Station Street  
Nottingham  
NG2 3NG

### Decision (including any steps ordered)

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1. The complainant has requested information regarding the cost of handling FOI requests from September 2011 to August 2012.
2. The Commissioner's decision is that Nottingham City Council (council) has breached section 10 of the FOIA in regards to this request for information. As the council has now responded to the request, the Commissioner does not require any steps to be taken.

### Request and response

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3. On 28 August 2012, the complainant wrote to the council and requested information in the following terms:

*"In your response to IGO-705 you claimed that the total costs for handling FOI requests from September 2011 – February 2012 was £32,161.10 .*

*The council has resonded [sic] to this saying with the claim that it costs £370,000 a year  
<http://www.thisisnottingham.co.uk/Counci...>*

*In light of this, please can you inform me:*

- 1) *The cost of handling FOI requests September 2011 - August 2012*
- 2) *The average cost of handing a FOI request (and how this value, and the £138.07 value have been calculated).*
- 3) *If the cost to your department for handling requests is included in the average cost figure - and hence if it is sensible to find*

*the total costs of handling FOI requests by adding the average costs of FOI requests to the cost of the IG team, or whether this arithmetic results in costs being counted twice.*

*4) Whether the £32,161.10 figure was for all requests replied to September - Feb, or just the ones which were received by you since September.*

*5) If cost of handling FOI requests September 2011 - August 2012 (part 1 of this request) is less than £370,000 , the reason between the difference in the council spokesperson's estimate and the value you provide.*

*6) Am I correct in thinking that it is incorrect to use the total budget for your team (given as £210,000) in calculating the costs of FOI requests, not only due to reasons that this arithmetic [sic] then involves costs being counted twice; but also because your team not only deals with responding to Freedom of information requests, but in complying with other government legislation [sic]?"*

4. The council failed to respond to the request within 20 working days.

### **Scope of the case**

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5. The complainant contacted the Commissioner on 7 December 2012 to complain that the council had failed to respond to the information request.
6. The Commissioner contacted the council on 7 December 2012 with regard to the non-response to the information request.
7. The council then responded to the information request on 3 January 2013 answering the questions to the request.
8. The complainant informed the Commissioner that he wanted a decision notice to be served due to the length of time it took for the council to provide the information requested.

## **Reasons for decision**

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9. Section 10 of the FOIA states that an information request should be responded to within 20 working days following the receipt. In this case, a response was not provided until over 4 months following the initial request receipt. Therefore, the council breached section 10 of the FOIA in relation to the complainant's request.

## Right of appeal

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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](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)

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**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**