

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 28 May 2013

**Public Authority:** Oxfordshire County Council  
**Address:** County Hall  
New Road  
Oxford  
OX1 1ND

#### Decision (including any steps ordered)

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1. The complainant has requested a copy of an email sent to selected members in response to allegations at Oxfordshire County Council (council).
2. The Commissioner's decision is that the council has breached section 10 of FOIA in not responding to the request in the 20 working day timeframe. 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 12 February 2013, the complainant wrote to the council and requested information in the following terms:  
*"I met with Councillor [name redacted] yesterday who informed me that you or one of your colleagues sent all elected members an e mail in response to allegations at OCV. Councillor [name redacted] suggested I contact you for a copy of the e mail as he no longer has it on his computer."*
4. The council acknowledged the request on 13 February 2013 advising it had 20 working days to respond.

## **Scope of the case**

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5. The complainant contacted the Commissioner on 18 March 2013 to complain that the council had not responded to the information request.
6. The Commissioner contacted the council 19 March 2013 with regard to the complainant's complaint about the non-response to his request.
7. The council responded to the complainant on the 26 March 2013.
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 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 30 working days following the receipt of the request. 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**