

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 3 June 2013

**Public Authority:** The Governing Body of The Stonebridge School  
**Address:** The Stonebridge School  
Shakespeare Avenue  
Harlesden  
London  
NW10 8NG

#### **Decision (including any steps ordered)**

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1. The complainant requested from The Stonebridge School ("the School") information about the Governors of the School and the name of the Clerk to the Governing Body but no formal response has been provided under FOIA. The School breached section 10(1) of FOIA by failing to provide a response to the request within the statutory timeframe of 20 working days.
2. The Commissioner requires the School to take the following steps to ensure compliance with the legislation:
  - Provide a formal response to the request in compliance with 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**

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4. On 11 January 2013 the complainant wrote to the School. Included in her letter was the following request to the School:

*"Please provide me with the names of all your school Governors and their term of office (start and end dates) as I cannot see this*

*available at school or on any documentation issued by the school. I would also like to know the name of your Clerk to the Governing Body – please could you provide me with this information also.”*

5. On 21 January 2013 the School wrote to the complainant to confirm receipt of her letter.
6. On 1 March 2013, having not received a response to her request, the complainant wrote to the School and repeated the request.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 18 March 2013 to complain about the fact that she had not received a response from the School.
8. The Commissioner wrote to the School on 4 April 2013 and directed that it respond to the request within 10 working days of receipt of his letter.
9. The complainant wrote to the Commissioner on 21 April 2013 confirming that she had still not received a response from the School.
10. The Commissioner wrote to the School again on 29 April 2013 confirming that he had received a complaint that it had not replied to the request.
11. The Commissioner considered whether the public authority had complied with FOIA.

### **Reasons for decision**

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12. Section 1 of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the information and, if so, to have that information communicated to him. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.
13. The Commissioner has not been provided with any evidence that the School has responded to the request. Consequently, he finds that it has not responded to the complainant's request within the statutory time frame and so has breached section 10(1) of FOIA.
14. The Commissioner requires the School to provide a formal response to the request that is in compliance with FOIA.

## Right of appeal

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15. 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)

16. 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.
17. 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 .....**

**Rachael Cragg**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**