

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 May 2013

Public Authority: The Governing Body of St Louise's
Comprehensive College

Address: 468 Falls Road
Belfast
BT12 6EN

Decision (including any steps ordered)

The complainant submitted a request to St Louise's Comprehensive College ("the College") under the Freedom of Information Act 2000 ("FOIA") for information about the College's revised management structure for support staff and details of various meetings held at the College. The Commissioner has investigated the complaint and finds that the College failed to provide the complainant with the information she requested or to issue a valid refusal notice within the statutory timeframe of 20 working days as set out in section 10(1) of FOIA. The College was in breach of its procedural obligations under FOIA in respect of sections 1(1)(a) and 10(1) of FOIA. Since the requested information has still not been provided to the complainant, the Commissioner requires the College to issue a response in compliance with section 1 of the FOIA or issue a refusal notice in accordance with section 17.

Request and response

1. On 13 June 2012, the complainant wrote to the College and requested information in the following terms:
 - 1) The new revised management structure for support staff (point 4)
 - 2) Agenda, minutes of meeting of 7 June 2012 signed and dated by the Chair of the Staffing Sub-Committee of the Board of Governors, together with all enclosures (redacted appropriately)

2. The College wrote to the complainant on 21 June 2012 stating that the minutes of the meeting requested in part 2 of her request would be issued to her in due course when approved by the Sub-Committee. The complainant again wrote to the College on 21 October 2012 as it had not responded to her request for information. That letter included an updated request for information, namely:

“Agendas, minutes of meetings signed and dated by the Chair of the Staffing Sub-Committee of the Board of Governors, or you as Chairperson to the Board of Governors, together with all enclosures where the post of Bursar has been discussed on any basis from 1 April 2012 to the current time (redacted appropriately)”.

The College has as yet failed to respond.

Scope of the case

3. The complainant contacted the Commissioner on 11 December 2012 to complain about the way her request for information had been handled.
4. The Commissioner has considered the College’s handling of the complainant’s request.

Reasons for decision

Section 10(1): Time for compliance

5. Section 1(1)(a) of FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.
6. Section 10(1) requires that the public authority comply with section 1 promptly and in any event no later than 20 working days after the date of receipt of the request.
7. The Commissioner notes that the complainant’s requests for information were made on 13 June 2012 and 11 October 2012, however she did not, and has not to date, received any information, or a valid refusal notice. From the information provided to the Commissioner in this case it is evident that the College did not respond to the complainant under FOIA within the statutory time frame and therefore it breached section 10(1) of FOIA. In relation to part 1 of the complainant’s original request, the College failed to confirm or deny that it held information

in relation to this. In relation to part 2 of the complainant's request, the College confirmed in its response of 21 June 2012 that it held information in relation to that part of the request, however it has to date not provided information in relation to either part of the request, nor has it provided information in relation to the complainant's updated request of 11 October 2012. Therefore, it has breached section 1(1)(a) of FOIA.

Right of appeal

8. 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

9. 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.
10. 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