

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 January 2014

Public Authority: Lutton Parish Council

Address: 134 London Road
Long Sutton
Spalding
Lincolnshire
PE12 9EE

Decision (including any steps ordered)

1. The complainant requested some financial information from Lutton Parish Council (the 'Council'). By the date of this notice the Council had yet to provide a substantive response to this request. The Information Commissioner's decision is that the Council breached section 10 of the FOIA in that it failed to provide a valid response to the request within 20 working days of receipt.
2. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation:
 - issue a response under the 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 2 July 2013 the complainant wrote to the Council and requested information in the following terms:

"I am requesting the following information (preferably by email please)

Class 2

1) – What we spend and how we spend it

(Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit) Including an accounts summary.

Current and previous financial year as a minimum

2) Class 5

1) Assets Register”.

Scope of the case

5. The complainant initially contacted the Commissioner on 16 August 2013 to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the fact that no substantive response had been provided.
6. On 6 September 2013 the Commissioner wrote to the Council asking it to provide a response to the request within ten working days.
7. On 15 January 2014 the Commissioner contacted the complainant who confirmed he had yet to receive any response to his request.
8. No substantive response to the request had been provided by the date of this notice.

Reasons for decision

9. Section 8(1) of the FOIA states that requests for information should be in writing, bear the name and address of the applicant, and describe the information requested. The Commissioner considers that the request in this case fulfilled these criteria, and therefore constituted a valid request under the FOIA for recorded information.
10. Section 10(1) of the FOIA provides that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt. From the information provided to the Commissioner it is evident that the Council did not respond to the complainant within the statutory timeframe in respect of this request.

Conclusion

11. The Commissioner's decision is that the Council did not deal with the request for information in accordance with the FOIA. It breached section 10(1) of the FOIA by failing to provide a substantive response to the request within the statutory timeframe of 20 working days. At paragraph 2 above the Council is now required to respond to the request of 2 July 2013 in accordance with the FOIA.

Other matters

12. As well as finding above that the Council is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future enforcement action against the Council should evidence from other cases suggest that there are systemic issues within the Council that are causing delays.

Right of appeal

13. 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: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. 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.
15. 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

Jon Manners
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF