

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 March 2014

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

Decision (including any steps ordered)

1. The complainant made a freedom of information request to Oxfordshire County Council ("the Council") for details of the number of corporate complaints it had received. The Council responded to the request outside of the 20 working day deadline required by FOIA.
2. The Commissioner's decision is that the Council breached section 10(1) of FOIA by failing to respond to the complainant's request within 20 working days. The Commissioner requires no steps to be taken.

Request and response

3. On 17 September 2013 the complainant made a freedom of information request to the Council for details of complaints received by the Council. The request read as follows.

"Corporate Complaints Children, Education and Families directorate

This request is about the amount of corporate complaints and replies excluding freedom of information complaints

Please specify the number of complaints per month you have dealt with since 1st January

Please release the last thirty replies."

4. The complainant did not receive a response within the 20 working day deadline and so contacted the Council again on 16 October 2014.
5. The Council responded to the complainant on the same day and apologised for the failure to respond. It explained that the request had been overlooked but would now be dealt with as soon as possible.
6. The Council issued a substantive response to the request on 29 October 2013 when it disclosed to the complainant details of the number of corporate complaints it had received. As regards that part of the request which asked for copies of the last 30 replies sent by the Council, the Council disclosed most of the requested information but some information was redacted under the section 40(2) exemption (personal data).

Scope of the case

7. On 20 December 2013 the complainant contacted the Commissioner to complaint about the Council's delay in responding to his request. In response to the complainant's concerns the Commissioner contacted the Council and reminded it of its duty to respond to requests for information promptly and in any event within 20 working days. The Council was referred to the Commissioner's guidance on this matter and the complainant was informed on the action taken.¹
8. On 13 January 2014 the complainant contacted the Commissioner again to ask that he issue a Decision Notice addressing the Council's delay in responding to his request.

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(http://www.ico.org.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/awareness_guidance_11_-_time_for_compliance.pdf).

Reasons for decision

10. Section 10 of FOI provides that a public authority must comply with a request promptly and in any event within not later than the twentieth working day following the date of receipt.
11. In this case the complainant made his request on 17 September 2013 but did not receive a response until 29 October 2013. Therefore, by failing to respond to the request within 20 working days the Council breached section 10(1) of FOIA.

Right of appeal

12. 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

13. 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.
14. 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

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