

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 August 2014

Public Authority: Barham & Woolley Parish Council

Address: Weybridge Lodge
Woolley Road
Alconbury
Huntingdon
PE28 4HN

Decision (including any steps ordered)

1. The complainant has requested information relating to whether Barham & Woolley Parish Council ("the Council") held a record of destroyed information.
2. The Commissioner's decision is that the Council did not deal with the request for information in accordance with the FOIA in the following way:
 - It failed to provide a response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take no steps.

Request and response

4. The complainant made a request to the Council on 2 December 2013 for information of the following description:

"I request under FOIA 2000 to be informed if you have destroyed any information/documents and do you have records detailing it and what they were about".
5. The Council responded on 10 December 2013 and explained that it is not required to hold information longer than necessary.

6. The complainant subsequently returned to the Council on 21 December 2013 and expressed dissatisfaction with its response. Specifically, he explained that its response did not answer the request.
7. The complainant did not receive a response and consequently contacted the Council again on 8 April 2014 and asked it to confirm if it held a record of destroyed information.
8. After the Commissioner's involvement, the Council responded on 5 August 2014.

Scope of the case

9. The complainant contacted the Commissioner on 12 June 2014 to complain about the way his request for information had been handled. Specifically he complained about the Council's non response to his information request.
10. The complainant has confirmed he has now received a response to his request. However, he stated he would like a decision notice to be issued to record the breach of section 10 of FOIA.

Reasons for decision

11. Section 10 of the Act states that a public authority must respond to a request promptly and "*not later than the twentieth working day following the date of receipt*".
12. 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

13. The Commissioner's decision is that the Council did not deal with the request for information in accordance with the FOIA. It has 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.
14. As a response has now been provided to the complainant, the Commissioner requires the Council to take no steps.

Right of appeal

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: GRC@hmcts.gsi.gov.uk

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

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
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SK9 5AF