

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 February 2015

Public Authority: Nottingham City Council

Address: Loxley House
Station Street
Nottingham
NG3 2NG

Decision (including any steps ordered)

1. On 5 August 2014 the complainant asked Nottingham City Council for a list of empty and/or derelict commercial, industrial and residential properties.
2. The Council complied with the complainant's request on 10 December 2014. The Commissioner therefore finds that the Council has contravened section 10 of the FOIA by failing to respond to the request within the twenty working days compliance time provided by this section.
3. The Commissioner does not require the Council to take any steps in this matter.

Request and response

4. On 5 August 2014, the complainant wrote to Nottingham City Council ("the Council") and asked to be provided with:
"...a list of empty/derelict properties in the Nottingham City / Nottinghamshire areas [...] covering commercial, industrial and residential."
5. The Council acknowledged its receipt of the complainant's request and gave it the reference IGO/4109.
6. On 17 November 2014 the complainant wrote to the Commissioner to complain about the Council's failure to respond to her request.

7. Consequently, on 25 November 2014, the Commissioner wrote to the Council to remind it of its duty to respond to the complainant's request within twenty working days of its receipt. Given the considerable delay which had already occurred, the Commissioner asked the Council to make its response within ten working days of his letter.
8. On 21 January 2014 the Council confirmed to the Commissioner that it has sent its response to the complainant on 10 December 2014.

Scope of the case

9. This notice sets out the Commissioner's decision in this matter. The Commissioner's decision solely concerns the time taken by the Council to respond to the complainant's request.

Reasons for decision

Section 1

10. Section 1 of the FOIA provides a general right of access to information held by public authorities. It states that –

“(1) Any person making a request for information to a public authority is entitled—

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.

Section 10

11. Section 10 of the FOIA requires a public authority to comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt of the request.
12. There is no dispute that the Council has now responded to the complainant's request – the complainant herself has confirmed she has received the Council's response. However, by providing its response on 10 December, it is clear to the Commissioner that the Council has considerably exceeded the twenty working days compliance time provided by section 10 of the FOIA.

13. Given the facts of this case the Commissioner's decision must be that the Council has contravened section 10 of the FOIA.

Right of appeal

14. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

15. 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.
16. 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

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF