

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 April 2015

Public Authority: Norfolk County Council
Address: County Hall
Matineau Lane
Norwich
NR1 2DH

Decision (including any steps ordered)

1. The complainant has requested information from Norfolk County Council (the council) about Court documents relating to the possession of a specific property. The council responded to the request outside the prescribed 20 working day time frame.
2. The Commissioner's decision therefore is that the council has failed to comply with section 10 of the FOIA. As a response has now been provided, the Commissioner does not require the council to take any steps.

Request and response

3. On 28 October 2014, the complainant wrote to the council and requested information in the following terms:
 - i. *"Have you got a Norfolk Public Law/Norfolk County Council Application signed by a nplaw Legal Officer/lawyer referenced A00NR439 evidencing upon itself a statement supported by a Statement of Truth, issue date and mark of the seal of the 'Norwich' County Court or some other named Court of Her Majesty Queen Elizabeth II, displaying details of an application seeking an order for the possession of the property Wilney Place, Wilney Green, Bressingham, Diss, Norfolk, IP22 2AJ?"*

- ii. Have you got a 'Notice of Hearing' of an Application referenced A00NR439 evidencing upon itself an issue date and mark of the seal of the of the 'Norwich' County Court or some other named Court of Her Majesty Queen Elizabeth II, displaying details of an application seeking an order for the possession of the property Wilney Place, Wilney Green, Bressingham, Diss, Norfolk, IP22 2AJ?*
 - iii. Have you got an Order referenced A00NR439 for possession of the property Wilney Place, Wilney Green, Bressingham, Diss, Norfolk, IP22 2AJ evidencing upon itself a statement supported by a Statement of Truth, issue date and mark of the seal of the 'Norwich' County Court or some other named Court of Her Majesty Queen Elizabeth II?"*
4. The council responded on 11 December 2014. In relation to point i. it stated that the council did not hold this information. It confirmed that the court will retain a sealed copy of the document and a sealed copy will be provided to the other party. The officer who submitted the claim or application will be provided with an unsealed copy. With regard to ii. and iii. it enclosed a copy of the information and explained that Court orders do not contain statements of truth.

Scope of the case

5. The complainant first contacted the Commissioner about this matter on 7 November 2014. As the 20 working day time frame had not yet elapsed, the Commissioner was unable to investigate. The complainant further contacted the Commissioner on 19 December 2014 to complain that the request had not been responded to within 20 working days.
6. The complainant wrote again to the Commissioner on 26 January 2015 and requested that he serve a decision notice on the council. The scope of this case therefore is to formally record the delay in the council's response.

Reasons for decision

Section 1

7. 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

8. 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.
9. On receipt of the complainant's correspondence, the Commissioner contacted the council on 13 January 2015 by telephone to enquire whether a response had been sent. On the same day, the council emailed the Commissioner a copy of its response letter to the complainant dated 11 December 2014.
10. It is clear to the Commissioner that the council's response of 11 December 2014 was outside the prescribed 20 working day time frame, and therefore that the council has failed to comply with section 10 of the FOIA in respect of the request of 28 October 2014.

Other matters

11. The Commissioner notes that the complainant appears to be dissatisfied with the council's response, and would therefore advise that he requests the council to conduct an internal review of its handling of the request. If following an internal review the complainant remains dissatisfied, he could then submit a complaint to the Commissioner regarding the content of the response.

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: 0870 739 5836

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

Andrew White
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