

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 March 2015

Public Authority: Northumberland County Council

Address: County Hall
Morpeth
Northumberland
NE61 2EF

Decision (including any steps ordered)

1. The complainant has requested information from Northumberland County Council ("the council") about the recording of formal complaints. The council responded outside the time for compliance.
2. The Commissioner's decision is that the council has breached section 10(1).
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 8 December 2014, the complainant wrote to the council and requested information in the following terms:
 - 1) *Does the Council keep a record or log of formal complaints made against it by the public?*
 - 2) *If so, does this log record the dates on which formal complaints are made by members of the public?*
 - 3) *What is the last date on which the Council has logged a formal complaint made against it by me, [redacted name]?*
 - 4) *How many formal complaints made against the Council by me, [redacted name], have been logged during the calendar year 2012?*

- 5) *How many formal complaints made against the Council by me, [redacted name], have been logged during the calendar year 2011?*
- 6) *How many formal complaints made against the Council by me, [redacted name], have been logged during the calendar year 2010?*
- 7) *How many formal complaints made against the Council by me, [redacted name], have been logged during the period between 1 January 2013 and 29 January 2013 when [redacted name] alleged in writing that "[redacted name] is a serial complainant"?*

5. The council provided a substantive response on 29 January 2015.

Scope of the case

6. The complainant wrote to the Commissioner on 24 January 2015 to complain that he had not received a response to his request. Following the council providing a response, he requested a decision notice that considered whether the council had complied with section 10.
7. The Commissioner therefore considers the scope of this case to be the determination of whether the council has complied with section 10.

Reasons for decision

Section 10(1) – Time for compliance

8. Section 10(1) requires that where a public authority has a duty under section 1(1), it must comply with that duty within twenty working days following receipt of the request.
9. In this case, the Commissioner has identified that the council did not respond during the time for compliance, and therefore breached section 10(1).

Right of appeal

10. 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

11. 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.
12. 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