

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 22 April 2015

**Public Authority:** Newcastle Under Lyme Borough Council  
**Address:** Civic Offices  
Merrial Street  
Newcastle Under Lyme  
ST5 2AG

#### Decision (including any steps ordered)

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1. The complainant has requested information from Newcastle Under Lyme Borough Council (the council) relating to a specified business premises. The council has responded to the request, but the complainant requested a decision notice.
2. The Commissioner's decision is that the council has complied with section 10 of the FOIA as the response was provided within 20 working days.
3. As there has been no breach of the FOIA, the Commissioner does not require the council to take any steps.

#### Request and response

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4. On 27 February 2015, the complainant wrote to the council and requested information in the following terms:

*"Please provide me with copies and full details of all the communications between Newcastle Under Lyme Council and [specified individuals] in connection with [specified business premises] to include e mails and correspondence and texts and all other forms of communication and to also include internal Council communications concerning this.*

*Please also provide me with copies of all original dated applications made to your Council to [carry out specified activity] at [specified*

*business premises] and copies of all original dated and signed [specified activity] registration certifies issued by your Council to persons to [carry out specified activity] at [specified business premises]; you will see from one of the enclosed copy screen savers that another named [specified operative] is to carry out [specified activity] at [specified business premises] in March this year so I will want to see copies of their original dated application and original dated and signed registration certificate that was issued to that person by your Council."*

5. The council responded on 19 March 2015 under the reference 4928. It stated that the information was withheld on the basis that it was personal data and that section 40(2) therefore applied. The response directed the complainant to ask for an internal review if he was unhappy with the response.

### **Scope of the case**

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6. The complainant contacted the Commissioner about this request on 31 March 2015. He alleged that the council had not yet responded to his request and asked the Commissioner to serve a formal decision notice to record the alleged non-compliance.

### **Reasons for decision**

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7. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
8. The Commissioner is in possession of the council's response to the complainant dated 19 March 2015. He finds that this response was provided to the complainant within the statutory time frame of 20 working days.
9. The Commissioner's decision therefore is that the council has dealt with the request for information in accordance with the FOIA. It has not breached section 10(1) of the FOIA as alleged by the complainant as response to the request was provided within the statutory timeframe of 20 working days.
10. The Commissioner notes similar to the request dealt with in the decision notice FS50576890, the complainant stipulated to the council again in this request that he will only respond to correspondence sent to him by solicitors at the council, and that "*It has been made clear to you in*

*previous communications that I will only respond to e mails that come directly from one of the council's solicitors."* The Commissioner again makes it clear that the FOIA does not provide for requesters to specify who will respond to their request. It is clear to the Commissioner that the response issued in this case came from the council, and is therefore a valid response for the purposes of the FOIA.

11. The Commissioner notes that if the complainant is now dissatisfied with the council's response, the correct course of action is for him to request that the council conducts an internal review.

## Right of appeal

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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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**