

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice**

Date: 10 August 2017

Public Authority: Carmarthenshire County Council
Address: County Hall
Carmarthen
Carmarthenshire
United Kingdom
SA31 1JP

Decision (including any steps ordered)

1. The complainant made a request that related to correspondence, files, meetings, working methods and employees for the period 1 January 1998 to 13 March 2015 concerning the Council's planning compliance with National Grid defined safety protocols. The Council responded to the request with some information and a refusal notice for the remainder; however it took longer than 20 working days to do so.
2. The Commissioner's decision is that the Council breached regulation 5(2) of the EIR for failing to make the information available within 20 working days and regulation 14(2) of the EIR because it did not provide a refusal notice within 20 working days. There are no steps to take.

Request and response

3. On 28 April 2017, the complainant requested information concerning the Council's planning compliance with National Grid defined safety protocols.
4. The Council responded with some information and provided a refusal notice for the remainder on 14 June 2017.

Scope of the case

5. The complainant contacted the Commissioner on 5 May 2017 and 14 June 2017 regarding the Council's failure to respond within the statutory timescales and requested that a Decision Notice be issued.

Reasons for decision

Regulation 5(2)

6. Regulation 5(2) of the EIR states that information shall be made available "*as soon as possible and no later than 20 working days after the date of the request.*"
7. The authority took longer than 20 working days to respond to the request on this occasion. That was a breach of regulation 5(2) of the EIR.

Regulation 14(2)

8. A refusal to provide information must comply with the obligations under regulation 14(1) of the EIR. Regulation 14(2) provides that, "*The refusal shall be made as soon as possible and no later than 20 working days after the date of receipt of the request.*"
9. In this case, the Council did not provide a refusal notice within 20 working days. That was a breach of regulation 14(2).

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