

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 November 2017

Public Authority: Surrey County Council
Address: County Hall
Penrhyn Road
Kingston upon Thames
Surrey
KT1 2DW

Decision (including any steps ordered)

1. The complainant has requested information relating to Data Protection training, Performance Review Forums and Special Educational Needs Forums. The council provided a response on 31 May 2017.
2. The Commissioner's decision is that the council has breached section 10 of the FOIA by failing to respond to the complainant's request within 20 working days of receipt.
3. The Commissioner does not require any further action to be taken.

Request and response

4. On 21 April 2017, the complainant wrote to the council and requested information in the following terms:

"1. A record of what Data Protection training has been provided to staff (please identify by individual staff member, suitably anonymised, by training course) within the Redhill and Woking Offices of the Special Educational Needs Department Post 16 Team for Children, Schools and Families within the last 2 years, identifying how many Caseworkers working in the Department in the Redhill and Woking Offices have been trained and to what extent, and how many have not been trained in matters associated with Data Protection, in the last 2 years.

2. Copies of the agenda, papers and subsequent minutes from the Performance Review Forum meetings of 8th February and 22 March 2017 and any subsequent meetings up to this point in time.

3. Copies of the terms of reference of the Performance Review Forum, and details of membership and terms of office for members at the above two meetings (if not identified in the minutes).

4. Please also supply the same information as requested in 1.above for members of the Performance Review Forum as at its February and March 2017 membership, whether such individuals were in attendance or not at the relevant meetings.

5. Copies of any Data Protection guidelines issued to Caseworkers working in the Redhill and Woking Offices of the Special Educational Needs Department Post 16 Team for Children, Schools and Families within the last 2 years.

6. Please also supply the same information as requested in 5.above for members of the Performance Review Forum within the last 2 years.

Please supply me with a copy of the minutes of the Special Educational Needs Admissions Forum meeting which took place between September 2016 and May 2017. Whilst I appreciate that these minutes will be redacted where appropriate, please do not redact matters that name my daughter [name redacted]."

5. The council confirmed that the request was received on 25 April 2017.
6. As the complainant received no response, he chased the council on 29 May 2017.
7. The council provided an update on 30 May 2017.
8. On 31 May 2017 the council provided a response to the complainant's request.

Scope of the case

9. The complainant contacted the Commissioner on 22 August 2017 to complain about the way his request for information had been handled. Although the complainant had now received the requested information he wished to complain about the council's late response.
10. The Commissioner therefore considers the scope of this investigation is to decide whether there has been any procedural breaches of the FOIA.

Reasons for decision

11. Section 1 of the FOIA states that 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 the information communicated to him.
12. Section 10(1) of the FOIA states subject to subsections (2) and (3) a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following receipt.
13. The Commissioner notes in this case that the request was received by the council on 25 April 2017. It therefore had a duty to respond no later than 24 May 2017. However, the council did not respond until 31 May 2017.
14. As the council responded after the 20 working day deadline had expired, the Commissioner has recorded a breach of section 10(1) in this case.

Right of appeal

15. 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

16. 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.
17. 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

**Samantha Coward
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**