

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 March 2019

Public Authority: Council for Catholic Maintained Schools

Address: Linen Hill House
Linenhall Street
Lisburn
BT28 1FJ

Decision (including any steps ordered)

1. The complainants have requested from the Council for Catholic Maintained Schools (CCMS) information consisting of correspondence between the CCMS's Corporate Information and Communications Officer and various third parties. CCMS provided a partial response to the complainants.
2. The Commissioner's decision is that CCMS has breached:
 - section 10 of the FOIA by failing to provide a response to parts 1 to 4 of the request, within the required timeframe; and
 - section 1 by failing to provide a response to part 5 of the request.
3. The Commissioner requires CCMS to take the following steps to ensure compliance with the legislation:
 - Provide a response to the complainants in relation to part 5 of their information request.
4. CCMS must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 15 January 2018, the complainants wrote a letter to the CCMS specifically addressed to the Corporate Information & Communications Officer and requested information in the following terms:

"Under the Freedom of Information Act 2000, you are requested to provide the following:

- 1. All correspondence, emails and attachments, minutes, notes, memos, recordings and/or transcripts of telephone conversations, all printed /written, electronic drafts and documents, etc. in relation to St. Patrick's PS Legamaddy between 4 May 2017 – 15 January 2018.*
 - 2. All correspondence, emails and attachments, minutes, notes, memos, recordings and/or transcripts of telephone conversations, all printed /written/electronic drafts and documents, etc. in relation to the use of WIFI within CCMS schools between 4 May 2017 – 15 January 2018.*
 - 3. All correspondence, emails and attachments, minutes, notes, memos, recordings and/or transcripts of telephone conversations, all printed /written, electronic drafts and documents, etc, in relation to risk assessments within the school regarding technologies including but not limited to WIFI access points, iPads/tablets, etc. between 4 May 2017 – 15 January 2018.*
 - 4. All correspondence, emails and attachments, minutes, notes, memos, recording and/or transcripts of telephone conversations, all printed/written/electronic drafts and documentations, etc. sent and received between yourself, [name redacted]¹, of the CCMS and [name redacted]² between 4 May 2017 -15 January 2018.*
 - 5. All correspondence, emails and attachments, minutes, notes, memos, recording and/or transcripts of telephone conversations, all printed/written/electronic drafts and documentations, etc. sent and received between yourself, [name redacted]³, of the CCMS and [name redacted]⁴ of C2k in emails between 4 May 2017 – 15 January 2018."*
6. Following the Commissioner's intervention, the CCMS responded on 22 March 2019. It provided responses to parts 1 to 4, but failed to address appropriately part 5 of the complainants' information request.

¹ Corporate Information & Communications Officer

² Principal of St. Patrick's Primary School Legamaddy.

³ Corporate Information & Communications Officer

⁴ Integration and Development Team Manager of the Education Authority – Northern Ireland

Scope of the case

7. The complainants contacted the Commissioner 18 March 2018 to complain about the lack of response from the CCMS in relation to their information requests of 15 January 2018.
8. On 19 April 2018, the Commissioner wrote to CCMS asking them to provide a response to the complainants' information requests.
9. On 14 May 2018, the complainants informed the Commissioner that they had not received any response from the CCMS.
10. On 22 May 2018, the Commissioner contacted CCMS in relation to its failure to respond to the requests.
11. On 12 February 2019, the Commissioner repeated her call to the CCMS to provide the complainants with a response to their request.
12. On 22 March 2019, the CCMS provided the complainants with a response to parts 1 to 4 of the request, but omitted to address part 5.
13. The Commissioner has considered whether the CCMS handled the request in accordance with sections 1 and 10 of the FOIA.

Background information

14. The Commissioner is aware that the complainants have submitted other similar requests to other officials within the CCMS and other public authorities.
15. On 22 January 2018 the complainants submitted a further information request to CCMS. This request was comprised of 7 parts. Parts 1 to 3 were identical to the request of 15 January 2018, whilst parts 4 and 5 were similarly formulated, but named different officers of the CCMS.
16. Part 4 of the request of 22 January sought any kind of correspondence between the CCMS's Director of Planning & Development and the Principal of St. Patrick's Primary School Legamaddy, whilst Part 5 of that request sought any kind of correspondence between the CCMS's Director of Planning & Development and Integration and the Development Team Manager of the Education Authority – Northern Ireland.
17. In its letter of 22 March 2019, taking into account the similarity of the requests, the CCMS provided an aggregate response to both information requests. The CCMS intended to respond to each part of the requests on

the basis that the information requested was of a similar nature, albeit between different individuals.

Reasons for decision

Section 1 – general right of access to recorded information

18. Section 1(1) of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds the information within the scope of the request, and if so, to have that information communicated to them if no exemption is applicable.
19. The Commissioner notes that, whilst the CCMS is entitled to issue aggregate responses to identical or substantially similar requests submitted by the same complainants, it has to ensure that such responses cover all the issues raised.
20. In its aggregate response to Part 5 of the requests, the CCMS stated that *"It is not possible to access this information as [the Director of Planning & Development] has left the organisation and there is no access to her email account which was discontinued on her departure. This request should be directed to C2k directly."*
21. However, this response does not adequately address part 5 of the present request.
22. Therefore, the Commissioner has found that the CCMS has failed to inform the complainant whether it holds information comprised of correspondence between the CCMS's Corporate Information and Communications Officer and the Integration and Development Team Manager of the Education Authority – Northern Ireland.
23. As a result, it is the Commissioner's conclusion that the CCMS has breached section 1(1) of the FOIA.

Section 10 of the FOIA – time for compliance

24. Section 10 of the FOIA states that a public authority must discharge its duties under section 1(1) "promptly and in any event not later than the twentieth working day following the date of receipt."
25. In this case, the request for information was submitted on 15 January 2018 and the CCMS did not respond until 22 March 2019, which followed the Commissioner's intervention. This is clearly in breach of the statutory deadline provided in Section 10 of the FOIA.

Right of appeal

26. 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

27. 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.
28. 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

Ben Tomes
Team Manager
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Wilmslow
Cheshire
SK9 5AF