

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 June 2021

Public Authority: Ceredigion County Council
Address: Canolfan Rheidol
Rhodfa Padarn
Llanbadarn Fawr
Aberystwyth
Ceredigion
SY23 3UE

Decision (including any steps ordered)

1. The complainant requested information from Ceredigion County Council ("the Council") regarding the costs it incurred in relation to the investigation and prosecution of the company Farm Box Meats Ltd.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 25 January 2021, the complainant wrote to the Council and requested information in the following terms:

"Further to my previous request related to the above prosecution, and your refusal to provide such information due to the costs of retrieving such information would exceed the £450.00 limit for such searches, I have refined my request to hopefully reduce the amount of time it will take your officers to be able to provide an answer to my question

Rather than a detailed breakdown, can you please provide a summary of the costs incurred by the local authority in relation to the investigation and prosecution of Farm Box Meats Ltd in 2013/2014."

6. The Council wrote to the complainant and acknowledged the request on 27 January 2021.
7. By the date of this notice the Council had not provided a substantive response to this request.

Scope of the case

8. The complainant contacted the Commissioner on 26 April 2021 to complain about the Council's failure to respond to the request.
9. The Commissioner contacted the Council on 21 May 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. The Council acknowledged the Commissioner's correspondence on 21 May 2021.
10. The Commissioner also contacted the complainant on 21 May 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to their request.
11. The complainant has provided evidence that he has received an acknowledgement from the Council but, by the date of this notice, had not received a substantive response to his information request.
12. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

13. Section 1(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 that information communicated to him.*

14. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

15. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of the FOIA.

Other matters

16. In their correspondence to the Commissioner, the complainant also raised concerns about the possible reasons for the Council's delay in responding to their request. The Commissioner is not required to investigate or obtain explanations from a public authority as to why any given response to an information request is late. However this delay has been logged and the Commissioner may take further action should evidence from other cases suggest it is necessary.

Right of appeal

17. 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: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

18. 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.
19. 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

Sarah Clouston
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF