

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 September 2021

Public Authority: Bristol City Council

Address: City Hall
PO Box 3399
Bristol
BS1 9NE

Decision (including any steps ordered)

1. The complainant submitted a request to Bristol City Council (the Council) for the name and contact details of the authorising officer of Special Educational Needs funding for Bristol residents. The Council provided a response more than 20 working days after receipt of the request.
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. As a response has been issued, the Commissioner does not require the Council to take any further steps.

Request and response

4. On 27 January 2021, the complainant wrote to the Council and requested information in the following terms:

"Please provide the name and contact details for the authorising officer of Special Educational Needs funding for Bristol residents."
5. The Council produced a response on 25 February 2021, citing Section 14 (2), which was uploaded to the WhatDoTheyKnow website on 8 March 2021.
6. On 8 March 2021 the complainant asked the Council for an internal review as he was dissatisfied with its response.
7. On 16 June 2021 the Council responded. It stated that it had been incorrect to apply section 14 (2). However, the procedural breach regarding the Council's failure to confirm whether it held information within the scope of the request and its timeliness of the response had already occurred by that point. Therefore we are obliged to report it.

Scope of the case

8. The complainant contacted the Commissioner on 25 May 2021 to complain about the failure, by the Council, to respond to the request.
9. At the point the Commissioner reviewed the correspondence, the Council had provided its response and internal review response and had confirmed that it did not hold the information within the scope of the complainant's request. The Commissioner contacted the complainant to invite him to withdraw his complaint now he had received a response, however he wished for a decision notice to be issued to record the late response.
10. On 24 June 2021 the complainant confirmed that he wished for a decision notice to be issued.
11. 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

12. 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.*

13. 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.*"
14. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Council has breached section 10 of the FOIA.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Michael Lea
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF