

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 November 2021

Public Authority: North East Combined Authority
Address: c/o South Tyneside Council
Town Hall & Civic Offices
Westoe Road
South Shields
NE33 2RL

Decision (including any steps ordered)

1. The complainant requested information about the SLA between North East Combined Authority ("NECA") and TT2 that relates to the Tyne Pass Initiative. By the date of this notice NECA had not issued a substantive response to this request.
2. The Commissioner's decision is that NECA has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires NECA to take the following step to ensure compliance with the legislation.
 - NECA must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. NECA must take this step 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 24 August 2021, the complainant wrote to NECA and requested information in the following terms:

"I would like to make an FOIR as follows

Copies of the proposed amendments to or new sections of the SLA between NECA and TT2 that relate to the Tyne Pass Initiative.

*In particular those sections that cover 1. Performance management
2. Access to information 3. enforcement actions 4. Sanctions available to NECA."*

6. NECA did not acknowledge the request until 30 September 2021. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 5 October 2021 to complain about NECA's failure to respond to their request.
8. The Commissioner has considered whether NECA has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. 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."

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt"*.

11. On 18 October 2021 the Commissioner wrote to NECA, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention NECA has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that NECA did not deal with the request for information in accordance with the FOIA. The Commissioner finds that NECA has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

14. 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

15. 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.
16. 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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF