

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 January 2021

Public Authority: Shrewsbury Town Council
Address: Riggs Hall
The Library
Castle Gates
Shrewsbury
SY1 2AS

Decision (including any steps ordered)

1. The complainant requested various information from Shrewsbury Town Council (the Council) regarding the sale of land. The Council disclosed the requested information but took in excess of twenty working days to do so.
2. The Commissioner's decision is that Shrewsbury Town Council has breached Section 10 of the FOIA. However, as the requested information has been disclosed the Commissioner does not require any steps to be taken.

Request and response

3. On 26 May 2020 the complainant wrote to Shrewsbury Town Council (the Council) and requested information in the following terms:

"Under the Freedom of Information Act, please provide me with a copy of:

1. all email correspondence between (i.e. both to and from) myself and Ms Helen Ball during the period November 2018 to February 2019 regarding the sale of part of Greenfields Recreation Ground (included in planning applications 13/00620/OUT and 17/05234/FUL lodged with Shropshire County Council);

2. all email correspondence between (i.e. both to and from) myself and Mr Alan Mosley and Ms Pam Moseley during the period December 2018 to April 2019 arising from the handling of my formal complaint

submitted to the Council on 13 December 2018 relating to the responses that I had received from the Town Clerk;

3. all other communications between the Council's officers and officials pertaining to each of the above during the period November 2018 to April 2019.

I understand that under the Act I am entitled to a response within 20 working days of your receipt of this request.

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all non-exempt material.

I reserve the right to appeal your decision to withhold any information or to charge excessive fees.

I would prefer to receive the information electronically at the email address indicated below.

If you require any clarification, I expect you to contact me to provide advice and assistance if you find any aspect of this FOI request problematic."

4. In the absence of a substantive reply within 20 working days, the complainant contacted the Council again on 30 June, 14 July and 28 July 2020 requesting a response.
5. The Council eventually responded on 29 July 2020. It apologised sincerely for the delay and disclosed all the recorded information it held falling within the scope of the complainant's request.
6. On 29 July 2020 the complainant requested an internal review as he was unhappy with the time taken by the Council to respond to his request.
7. Following an internal review the Council wrote to the complainant on 6 October 2020. It acknowledged that it had taken in excess of twenty working days in which to issue a substantive response for which it apologised. It said the delay was due to workload and the fact that, under its current IT arrangements, emails were not easily retrievable after one year. It added that this arrangement was now under review following the complainant's request. The Council also pointed out that its Deputy Town Clerk was eventually able to retrieve the emails requested (but not initially disclosed) which it sent to the complainant on 16 August 2020.

Scope of the case

8. The complainant contacted the Commissioner in October 2020 to complain about the way his request for information had been handled. He said he was particularly unhappy with the delays by the Council responding to his initial and internal review requests.
9. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

10. Section 1(1) of the FOIA states that:

"Any person making a request for information to a public authority is entitled

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(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."

11. 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"*.

12. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days.

13. As the requested information has now been disclosed no further action is required.

Other matters

14. The Commissioner would like to remind the Council of its obligations under the FOIA in relation to the time it takes to respond to both initial requests and those for an internal review.

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@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

**Laura Tomkinson
Group Manager
Information Commissioner's Office
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Wilmslow
Cheshire
SK9 5AF**