

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 August 2022

Public Authority: Ammanford Town Council
Address: Town Hall
Heol Iscennen
Ammanford
SA18 3BE

Decision (including any steps ordered)

1. The complainant made a request for correspondence received from Audit Wales in the last 6 months, relating to Ammanford Town Council's audit for the financial years 2020-21, 2019-21, 2018-19.
2. Ammanford Town Council (the Council) has failed to provide a response to the request in accordance with section 1 and 10 FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Issue a valid response in accordance with the FOIA.
4. The public authority 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. The complainant made the following information request to the Council on 28 February 2022:

"I request a copy of correspondence received from Audit Wales in the last 6 months, relating to Ammanford Town Council's audit for the financial years 2020-21, 2019-21, 2018-19. This includes but is not

exhaustive to letters that qualify the accounts and/or require public meetings to be held.”

6. In an initial response dated 1 March 2022 the Council said that, “The information you have requested is of a confidential nature and not covered under your Freedom of Information request.” In the reviewed response also dated 1 March 2022 the Council said that, “The information cannot be released as detailed under Section 54 of the Public Audit (Wales) Act 2004 (the Act).”

Reasons for decision

7. Section 1(1) FOIA provides 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.”

8. Section 10(1) FOIA provides that:

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

9. Section 17(1) FOIA provides that:

“A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which—

- (a) states that fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies.”

10. In this case the Council has failed to confirm or deny whether it holds the requested information under section 1(1)(a) FOIA or provide any information held under section 1(1)(b) FOIA or explain why it is exempt from complying with section 1(1)(a) and/or section 1(1)(b) FOIA in accordance with section 17(1) FOIA. Furthermore as the

Reference: IC-158581-J2Z7



Council has failed to comply with its obligations under section 1 FOIA within the statutory time for compliance, it has breached section 10(1) FOIA in the handling of this request.

Right of appeal

11. 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

12. 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.
13. 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.....

Gemma Garvey
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF