

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 June 2019

Public Authority: Liverpool City Council
Address: Cunard Building
Water Street
Liverpool
L3 1AH

Decision (including any steps ordered)

1. The complainant has requested information from Liverpool City Council ("the Council") regarding a named councillor's trip to Indonesia.
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 provided, the Commissioner does not require the Council to take any steps.

Request and response

4. On 19 November 2018, the complainant wrote to the Council and requested information in the following terms:

"Cllr [name redacted] is tweeting from Singapore, is [name redacted] on Council Business? If Council business please give full details."
5. The Council responded on 20 December 2018. It provided a copy of the councillor's Facebook post, which detailed the nature of the trip, and advised that the information was also reasonably accessible.
6. The complainant asked for an internal review on 9 January 2019. She also raised some additional questions.

7. Following an internal review the Council wrote to the complainant on 4 February 2019. It provided some further information in response to the additional questions raised by the complainant and advised that it did not hold any further information in relation to the original request.

Scope of the case

8. The complainant contacted the Commissioner on 4 February 2019 to complain about the way her request for information had been handled.
9. During the course of the investigation, the Commissioner informed the complainant that the Council was likely to have provided all the information which it held falling within the scope of the request. This decision notice covers whether the Council responded to the request within the statutory timeframe.

Reasons for decision

Section 10 – time for compliance

10. 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".

11. Section 10(1) of the FOIA states that 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.
12. From the evidence presented to the Commissioner in this case, it is clear that the Council did not issue its response to the request of 19 November 2018 within the statutory timeframe.
13. The Commissioner's decision is that the Council breached section 10(1) of the FOIA. As a response has now been issued, the Council is not required to take any steps.

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: 0300 1234504
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

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF