

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 17 January 2023

Public Authority: West Oxfordshire District Council

Address: Woodgreen
Witney
Oxfordshire
OX28 1NB

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified. Regulation 18 of the Environmental Information Regulations (“the EIR”) applies this provision to complaints arising under the EIR.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-187424-Z4P2, for a decision whether a request for information made by the complainant to West Oxfordshire District Council (“the Council”) on 14 June 2022, has been dealt with in accordance with the requirements of the EIR.

Nature of complaint

2. The Commissioner wrote to the Council on 27 October 2022, inviting it to provide its submissions in respect of the complaint.
3. The Council provided a response on 21 November 2022 but this did not contain all of the necessary information for the Commissioner to make a decision.
4. The Commissioner wrote to the Council again on 28 November 2022, requesting that it provide further submissions.
5. The Commissioner wrote to the Council again on 19 December 2022, advising that formal action would be considered should a response not be received.
6. To date, the Council has not provided a sufficient response to the Commissioner in relation to this request.
7. As the Council has failed to provide a sufficient response to the Commissioner, a formal legal deadline for it to provide its response has been imposed.

Information required

8. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that the Council shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A substantive response to the questions posed in the Commissioner's letter dated 28 November 2022.

Failure to comply

9. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.

Right of appeal

10. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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

11. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF