

Freedom of Information Act 2000 (Section 51)

Environmental Information Regulations 2004 (Regulation 18)

Information notice

Date: 2 April 2024

Public Authority: Warwick District Council
Address: Riverside House
Milverton Hill
Leamington Spa
Warwickshire
CV32 5H2

Section 51

Regulation 18 of the Environmental Information Regulations 2004 ("the Regulations") states that "the enforcement and appeals provisions" of the Freedom of Information Act 2000 ("the Act") shall apply for the purposes of the Regulations. Therefore any reference to "this Act" in Part IV of the Act should be substituted with reference to "these Regulations". Part IV of the Act contains the enforcement and appeals provisions and includes section 50, 51 and 54 as mentioned in this Notice. All references to "the Act" should therefore be read as also referring to "the Regulations".

Under section 51 of the Freedom of Information Act 2000 (the "Act"), 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 she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

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

she may serve the authority with a notice (in this Act 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.

Application under section 50

1. The Commissioner has received an application under section 50, reference [IC-276849-N9B4], for a decision whether a request for information made by the complainant to Warwick District Council ('the Council') on 4 October 2023, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. The complainant contacted the Commissioner on 8 December 2023 to express dissatisfaction with the amount of information provided in response to their request, and considers that additional information relevant to their request is held.
3. The Commissioner wrote to the Council on 28 February 2023 regarding the complaint. He asked the Council to provide a copy of the information it had withheld on the basis of regulation 12(5)(b) (the course of justice) and regulation 5(3) (personal data of the applicant). He also asked the Council to provide full details and evidence of the search undertaken to identify all relevant information.
4. The Commissioner has contacted the Council on a number of occasions since his letter, and to date he has not received a response from the Council.

Information required

5. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of the Act he requires that the Council shall, within 30 days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A copy of the withheld information.
 - A full response to all the queries/points raised in the Commissioner's letter of 28 February 2024.

Failure to comply

6. 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 the Act, and may be dealt with as a contempt of court.

Right of appeal

7. 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: 0300 1234504
Fax: 0870 739 5836
Email: grc@Justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

8. 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 by

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