

Freedom of Information Act 2000 (Section 51)

Information Notice

Date: 31 October 2024

Public Authority: Mid Sussex District Council

Address: Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

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.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-314670-K3S1, for a decision whether a request for information made by the complainant to Mid Sussex District Council has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The complainant contacted the Commissioner on 19 June 2024 to complain about the way their request for information had been handled.

Reason for the Notice

3. The Commissioner wrote to the public authority on 26 September 2024 asking for its submissions in a series of questions to establish what information may be held in scope of the request. He asked for this information to be provided by 9 October 2024. Chasers reminding the public authority of its obligations were sent on 9 and 28 October 2024.
4. At the date of this notice, the Council has failed to comply with the Commissioner's investigation letter of 26 September 2024.

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 FOIA he requires that Mid Sussex District Council shall, within 30 calendar days of the date of this notice, furnish the Commissioner with the following information:
 - a substantive response to the Commissioners investigation letter dated 26 September 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.

Joanna Marshall
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