

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 March 2014

Public Authority: Oxford City Council
Address: Town Hall
St. Aldates
Oxford
Oxfordshire
OX1 1DS

Decision (including any steps ordered)

1. The complainant has requested information from Oxford City Council ("the council") about its involvement with a registered charity. The council provided information in response. However the complainant subsequently contested that not all held information had been provided.
2. The Commissioner's decision is that the council has provided all held information, but has breached section 10(1) of the FOIA by failing to provide its response within the time for compliance.
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 8 April 2013, the complainant wrote to the council and requested the following information:
 1. *Copy of protocol(s) in place engaging both [registered charity] and OCC, including the protocol referred to at 4.3.4 of OCC's Allocation Policy.*
 2. *Copy of Service Level Agreement(s) between [registered charity]*

- and OCC.*
3. *Copies of Assessment forms used in process of nomination, referral and identifying "assessed" Applicants [as understood by 4.3.4 of OCC's allocation policy] concerning "Move-On" scheme.*
 4. *Copies of "Landlord Reference" and other forms in use at [registered charity] with the OCC's knowledge for social housing purposes.*
 5. *A list of [registered charity] operational forms known to OCC as being in use by [registered charity] in connection with their direct engagement in social housing services, e.g. Confidentiality waivers etc.*
 6. *A list of [registered charity]'s policies and procedures known to OCC.*
 7. *At least one copy of each type of payment requests received from [registered charity] or [business] respectively, (please feel free to black out any personal data confidential from those invoices) for last fiscal year.*

Scope of the case

5. The complainant initially contacted the Commissioner on 14 May 2013 to complain that his request for information had not been responded to.
6. During the course of the Commissioner's investigation, the council provided its response to the complaint on 6 June 2013 and 7 June 2013. It provided information in respect of parts 1 and 3, and advised it did not hold information for parts 2, 4, 5 and 6. Additionally, the council asked for clarification in respect of part 7.
7. The complainant contested the council's response 24 June 2013, and provided the requested clarification for part 7. However, the Commissioner understands that the council did not undertake an internal review in response to this.
8. Later in the Commissioner's investigation, the council subsequently provided information in response to part 5 and part 7 (with some information redacted under the exemptions provided by section 40 and section 43, as acknowledged as necessary by the complainant in his request).
9. The Commissioner considers that the scope of this case is the determination of whether the council is likely to hold further information relevant to the request that does not fall within the applied exemptions.

Reasons for decision

Section 1(1) – Duty to make information available on request

10. Section 1(1) of the FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the information, and if so, to have that information communicated. This is subject to any exemptions or exclusions that may apply.
11. On 21 October 2013, the Commissioner wrote to the council to request details about the relationship between the council and the registered charity, and the extent to which the council holds recorded information as part of this. The Commissioner also requested details about the searches for information that the council has undertaken in response to the complainant's request.
12. The council has advised the Commissioner about the complexity of its relationship with the registered charity and the context that this takes place in. The registered charity operates a homeless hostel and temporary housing scheme, and is largely funded by Oxford County Council, which holds the main contracts for the hostel and housing scheme. The council makes a funding contribution to the hostel, and has a management protocol in place with Oxfordshire County Council as a result. Additionally, the council funds a post within the hostel and rents the office from which they operate. The council further holds a contract with the charity for the housing scheme to deliver a specific project.
13. The council has therefore explained to the Commissioner that it would only reasonably expect hold information pertaining to the contracts that it is party to, and has advised that there is no business or statutory need for it hold the full extent of the information that the complainant is requesting, which pertains largely to the operation of the charity. The exception to this are some blank versions of the charity's assessment and confidentiality forms, which were identified during the council's later searches for information. The council has stated to the Commissioner that it's 'Rough Sleeping and Single Homelessness Team' holds all information relevant to the contracts in a range of electronic and hardcopy folders, and that these folders have been searched based on officer knowledge.
14. In the circumstances of this complaint, the Commissioner must decide on the balance of probabilities whether any further information is likely to be held by the council in relation to the complainant's request. In reaching the decision on this case, the Commissioner has considered the contractual relationships in place between the council, the registered charity, and Oxford County Council, in addition to the extended searches

that the council's homelessness team have undertaken in response to the Commissioner's investigation. Based on these factors, the Commissioner has come to the conclusion that it is unlikely the council holds further recorded information that falls within the scope of the complainant's request.

Section 10(1) – Time for compliance

15. Section 10(1) of FOIA requires that an information request should be responded to within 20 working days of receipt. In this case a response was not provided until after this length of time. The council therefore breached section 10(1) of the FOIA in relation to the complainant's request.

Other matters

16. The Commissioner has identified that the complainant's request for an internal review on 24 June 2013 was not responded to by the council. While the FOIA does not obligate a public authority to provide a complaints process, it is recommended to do so by the Secretary of State's Code of Practice (published under section 45). The Commissioner expects that in most cases it should take no longer than 20 workings to provide an internal review, and no longer than 40 working days in exceptional circumstances.

Right of appeal

17. If 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

18. 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.
19. 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
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