

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 6 January 2016

**Public Authority:** Royal Borough of Windsor and Maidenhead Council

**Address:** Town Hall  
St Ives Road  
Maidenhead  
Berkshire  
SL6 1RF

### Decision (including any steps ordered)

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1. The complainant has requested information about a Ceremonial Wardens Volunteer Scheme.
2. The Commissioner's decision is that Royal Borough of Windsor and Maidenhead Council ('the Council') has breached section 10(1) of the FOIA because it did not provide the complainant with a response within 20 working days.
3. The Council has now responded and the Commissioner does not require it to take any steps.

### Request and response

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4. On 29 July 2015, the complainant wrote to Royal Borough of Windsor and Maidenhead Council and requested information in the following terms:

*"I refer to the above procedure and ask for any documents you hold in respect of the setting up of the Ceremonial Wardens Volunteer Scheme. I refer particularly to any council minutes relating the scheme, any documents/ notes of meetings between the Council and Thames Valley Police, in respect of the Training and the operation of the scheme, an Role/Job description documents, any assessment or competence documents, or monitoring you carry out, any legal advice you have*

*obtained in respect of this scheme, and any Statute or other law you have interpreted to allow this scheme to operate in a public place.*

*Secondly, any document/legal advice you have obtained in respect of public Liability insurance for the personnel who are involved in this scheme. And any legal advice concerning RBWM council's liability for the actions of these individuals."*

5. The Council acknowledged this request on 31 July but it appeared that it had not gone on to provide a response.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 2 November about the Council's failure to respond to his request.
7. The ICO contacted the Council on 20 November to raise the matter of the complainant's request.
8. The Council responded to the Commissioner on 14 December. It told him that it had responded to the request on 17 September and provided the Commissioner with a copy of that response. The Commissioner forwarded this copy to the complainant on 14 December.

### **Reasons for decision**

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9. Section 1(1) of the FOIA says that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
10. Section 10(1) says that a public authority must comply with section 1(1) promptly and "*not later than the twentieth working day following the date of receipt*".
11. In this case, the complainant submitted his request on 29 July 2015 and a response was due by 27 August. The Commissioner is prepared to accept that the Council did originally respond on 17 September although the complainant did not appear to have received the response. However, the Council breached 10(1) because 17 September falls outside the 20 working days that is a requirement of the Act.

## Right of appeal

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12. 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@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

13. 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.
14. 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 .....**

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**