

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 September 2017

Public Authority: Rochdale Borough Council
Address: Number One Riverside
Smith Street
Rochdale
OL16 1XU

Decision (including any steps ordered)

1. The complainant made an information request to Rochdale Borough Council (the council) for information concerning the costs of lamp post banners. The council initially relied on section 22 to withhold the information. During the Commissioner's investigation, the council disclosed the requested information to the complainant.
2. The Commissioner's decision is that council has breached section 10 of the FOIA as the requested information was provided outside the prescribed 20 working day time frame.
3. As the information has been provided, the Commissioner does not require the public authority to any steps.

Request and response

4. On 26 October 2016 the complainant made the following request for information:

"This is a request under the Freedom of Information Act 2000. Can you please provide the following information under the FOI act.

Was planning permission granted for the lamp post banners, see images attached, which have been put up around the borough?

How much have all the lamp post banners cost to produce and install round the borough?"

5. On 23 November 2016 the council responded. In respect of the first part, it confirmed that planning permission had not been granted. With regard to the remainder of the information, the council refused to provide it stating that section 22 of the FOIA applied because the information would be published in the council's lists of spending above £500.
6. The complainant requested an internal review on 24 November 2016, and provided further grounds for review on 6 December 2016. The council provided the internal review on 20 December 2016 in which it upheld its original position.

Scope of the case

7. The complainant contacted the Commissioner on 13 March 2017 to complain about the way her request for information had been handled.
8. During the course of the investigation the council disclosed the requested information to the complainant. The complainant then asked the Commissioner to issue a decision notice to record that the council had provided the requested information outside the required 20 working days for compliance with a request for information.
9. The Commissioner considers the scope of this case is to record a breach of section 10 of the FOIA.

Reasons for decision

Section 10 – time for compliance

10. Section 1(1) of FOIA provides that:

“(1)(1) Any person making a request for information to a public authority is entitled to-

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

11. Section 10(1) of FOIA provides that:

“subject to subsection (2) and (3), a public authority must comply with section 1 promptly and in any event not later than the twentieth working day following the date of receipt.”

12. In this case the complainant made their request on 26 October 2016. The council initially refused the request under section 22 within the prescribed 20 working days. However, during the course of the Commissioner's investigation the council discovered that the requested information had not been published as part of council's list of spending over £500, as the sum spent on lamp post banners had been part of a larger contract and was not itemised separately in the publicly available information.
13. On 24 August 2017, the council therefore disclosed the requested information to the complainant.
14. As the council did not communicate the requested information to the complainant within 20 working days of the request, the Commissioner has decided that the council has technically breached section 10(1) of the FOIA.

Right of appeal

15. 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
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF