

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 June 2018

Public Authority: Wellingborough Borough Council
Address: Swanspool House
Doddington Road
Wellingborough
NN8 1BP

Decision (including any steps ordered)

1. The complainant requested details of an audit reported to the Public Sector Network.
2. The Commissioner's decision is that Wellingborough Borough Council ("the Council") failed to respond to the request within 20 working days and has therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. As a response has now been provided the Commissioner does not require the Council to take any further steps.

Request and response

4. On 22 December 2017, the complainant wrote to the Council as part of ongoing correspondence regarding a grievance. As part of that correspondence, he requested information in the following terms:

"Also in regards to being audited I would be grateful if I can see the last audit as my understanding is that the Council provided a self assessment and has not been audit for a few years."
5. The Council issued a refusal notice on 1 February 2018 – 25 working days after the request was made.

Scope of the case

6. The complainant contacted the Commissioner on 25 February 2018 to complain about the failure, by the Council, to respond to the request within 20 working days. He requested a decision notice considering the Council's compliance with Section 10 of the FOIA.
7. The Complainant considers the scope of this decision notice to be the Council's compliance with Section 10 of the FOIA.

Reasons for decision

8. Section 1(1) of the FOIA states that:

Any person making a request for information to a public authority is entitled –

- (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.*

9. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

10. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
11. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
12. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Council has breached Section 10 of the FOIA.

Right of appeal

13. 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

14. 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.
15. 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

Ben Tomes
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