

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 November 2018

Public Authority: Cambridgeshire County Council

Address: Shire Hall
Cambridge
Cambridgeshire
CB3 0AP

Decision (including any steps ordered)

1. The complainant has requested some information from Cambridgeshire County Council ("the Council") regarding the number of outstanding invoices from different local and non-local suppliers.
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and has therefore breached Section 10 of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response under section 1(1) of the FOIA or issue a valid refusal notice to the request.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 14 June 2018, the complainant wrote to the Council and requested information in the following terms:

"Dear Cambridgeshire County Council,

I would like to know the following please:

*How many overdue invoices are outstanding since March 2018?
Out of these invoices for how many different suppliers is it for?
What is the overall amount overdue since March 2018 in GBP?
How many of these suppliers are duplicate suppliers but have a number of invoices outstanding; e.g. Organisation A has 50 invoices outstanding but Organisation B has 10? You can anonymise the organisation names to be a mixture of Alpha and numeric characters.*

I am also interested in the following:

How many of these suppliers are local to the Cambridgeshire area (CB or PE post codes)

How many of these suppliers are not local to the Cambridgeshire (excl CB and PE post codes)

How many individuals are involved in processing invoices for payment in order to meet the backlog and are they CCC, NCC or LGSS staff members?"

6. The Council acknowledged the request on 18 June 2018. It stated that it aimed to respond within 20 working days and this should be before 12 July 2018.
7. On 19 July 2018, the complainant contacted the council to advise that he had not yet received a response and requested an update on the progress. The Council responded on 20 July to acknowledge that the response was overdue and that it will update the complainant when it is able to.
8. Following the acknowledgement, the complainant contacted the Council further on 9 August, 1 September and 21 November 2018 to request a response.
9. Despite these contacts from the complainant, the Council is yet to provide a substantive response.

Scope of the case

10. The complainant contacted the Commissioner on 20 October 2018 to complain about the way his request for information had been handled. In line with her usual practice, the Commissioner contacted the Council on 31 October 2018 to highlight the outstanding response and she requested that the Council respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
11. Given that the response to this request remains outstanding, despite her intervention, the Commissioner considers that a decision notice is appropriate in this case.
12. The following analysis is to consider whether the Council has complied with Section 10(1) (time for compliance) of the FOIA.

Reasons for decision

Section 10 - time for compliance

13. Section 1(1) of the FOIA states:

"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."

14. Section 10(1) of the FOIA states that:

"a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt".

15. The Commissioner's decision is that the Council has breached section 1(1) and section 10(1) of the FOIA as it had failed to comply with the request within the statutory time of 20 working days.

Right of appeal

16. 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

17. 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.
18. 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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