Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 August 2020

Public Authority: Cambridgeshire County Council
Address: Shire Hall
Cambridge
CB3 0AP

Decision (including any steps ordered)

1. The complainant requested information from Cambridgeshire County Council ("the Council") relating to its contractual relationship with Conduent Parking Enforcement Solutions Ltd.

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 Council to take the following steps to ensure compliance with the legislation.
   - The Council must issue a substantive response to the request in accordance with its obligations under the FOIA.

4. The Council 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 28 November 2019, the complainant wrote to the Council and requested information in the following terms:
"The council has a telephone line, 0845 452 2350, which is operated by a sub-contractor, Conduent Parking Enforcement Solutions Ltd. I hereby request a copy of:

1) The contract between the council and Conduent Parking Enforcement Solutions Ltd

2) The last three invoices issued to the council by Conduent Parking Enforcement Solutions Ltd."

6. The Council wrote to the complainant on 20 December 2019 to acknowledge the request. It stated that it was extending the deadline to respond by 20 working days in order to consider the public interest test.

7. On 25 February 2020, as the complainant had not received a response, he wrote to the Council and requested an internal review.

8. On 4 March 2020, the Council wrote to the complainant and acknowledged that its response was overdue. It stated that it would prioritise its response to this request.

**Scope of the case**

9. The complainant contacted the Commissioner on 24 April 2020 to complain about the Council’s failure to respond to his request.

10. The Commissioner contacted the Council on 24 June 2020 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

11. The Commissioner also contacted the complainant on 24 June 2020 to explain that the Council had been given 10 working days from that date within which to provide a response to his request.

12. The complainant has provided evidence that he has received an acknowledgement from the Council but, by the date of this notice, had not received a substantive response to his information request.

13. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

**Reasons for decision**

14. Section 10 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.

15. The Commissioner considered that the request in question fulfilled the above criteria and therefore constituted a valid request for recorded information under the FOIA.

16. 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.”

17. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner’s decision is that the Council has breached section 10 of the FOIA and must now issue a response to this request as at paragraph 3 above.
Right of appeal

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

19. 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.

20. 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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