

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 November 2023

Public Authority: Conwy County Borough Council

Address: Bodlondeb
Conwy
LL32 8DU

Decision (including any steps ordered)

1. The complainant requested information from Conwy County Borough Council (the Council). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
 - The Council must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The Council must take this step 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 FOIA and may be dealt with as a contempt of court.

Request and response

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format;

[Information Commissioner's Office - Advisory note to public authorities | ICO](#)

5. On 26 June 2023, the complainant wrote to the public authority and requested information in the following terms:

"In each of the calendar years 2018, 2019, 2020, 2021 and 2022, can the authority provide the following information:

The number of investigations the Council has initiated into a) the sale of illegal or counterfeit tobacco products and b) the sale of tobacco products to minors;

The number of successful prosecutions the council has secured regarding a) the sale of illegal or counterfeit tobacco products and b) the sale of tobacco products to minors;

The total volume of illegal or counterfeit tobacco products seized by the council from retailers;

The total financial value of fines imposed against retailers for the sale of illegal or counterfeit tobacco products."

Reasons for decision

6. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
7. On 19 September 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
8. Despite this intervention the public authority has failed to respond to the complainant.
9. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

10. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

11. 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.
12. 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

Roger Cawthorne
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Wilmslow
Cheshire
SK9 5AF