

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 November 2023

Public Authority: Governing body of Newman Catholic College
Address: Harlesden Road
Willesden, NW10 3RN

Decision (including any steps ordered)

1. The complainant requested information from the governing body of Newman Catholic College (the public authority). 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 public authority has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide the complainant with a substantive response to the request in accordance with its obligations under FOIA.¹
4. The public authority 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.

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](#)

Request and response

5. On 8 June 2023, the complainant wrote to the public authority and requested information in the following terms:

"[redacted] I make the following requests under the Health and Safety legislation, the Freedom of Information Act and the Environmental Freedom of Information Act.

Please can you send me electronic copies of:

- Health and Safety policies, if any, that have been enacted for the school since your communication
- The school's most recent full asbestos management survey, any asbestos register, surveys for renovation/demolition and asbestos management plan [redacted]

Can I ask if [redacted] is currently the Chair of Governors? I would ask that this letter is forwarded to him please. If there is a governor responsible for H&S (I couldn't find one on your website) please can you let me know their name."

6. The public authority emailed the complainant on 23 June 2023, to advise that they would:

"... ensure that the correct H&S policies are on the school website ... regarding the requested information, I would be more comfortable sending through any of the requested information to an official [redacted] address for GDPR purposes."

7. On 29 June 2023, the complainant provided the public authority with an 'official' email address, as had been requested.

8. The complainant chased the public authority for a response on 20 July 2023, 31 August 2023 and 15 September 2023.

9. On 22 September 2023, the public authority sent an email to the complainant apologising for the delay, advising:

"I am in communication with Brent about the correct response so apologies for any delay."

10. The complainant contacted the Commissioner on 6 October 2023, to complain about the lack of a substantive response.

Reasons for decision

11. Section 1(1) of 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.”

12. Section 10(1) of 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.

13. Organisations such as schools are granted additional time to respond to FOIA requests to take account of school holidays. Schools and academies may take up to 20 school days or 60 working days to respond (whichever is shorter).

14. On 14 October 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.

15. Despite the Commissioner’s intervention, the public authority has failed to respond direct to the complainant. We understand, however, that it has since sent a response to the third party ‘official’ email address.

16. 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 the timeframes set out in law and it is now required to provide a response to the request in accordance with FOIA.

Other matters

17. When writing to the public authority on 14 October 2023, the Commissioner also pointed out that FOIA provides public access to recorded information held by public authorities (unless exempt) and as such, any disclosure deemed appropriate under FOIA, is provided to the public at large and it was therefore not appropriate to require the requester to provide an 'official' email address.
18. The Commissioner again recommends that the public authority refer to his guidance on the ICO website at [What is the Freedom of Information Act? | ICO](#), and also the Commissioner's specific guidance on [What should we do when we receive a request for information? | ICO](#), paying particular attention to the section [When can we refuse a request for information? | ICO](#), which explains the exemption for personal data, if releasing it would be contrary to the UK General Data Protection Regulation (the UK GDPR).

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Right of appeal

19. 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

20. 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.
21. 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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