

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 20 December 2023

**Public Authority:** The Governing Body of Ysgol Cynwyd Sant  
**Address:** Pen Yr Ysgol  
Maesteg, Mid Glamorgan  
CF34 9YE

#### **Decision (including any steps ordered)**

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1. The complainant has requested agendas and meeting minutes for the governing board of Ysgol Cynwyd Sant. Ysgol Cynwyd Sant ("the School") has provided some information but refused other portions, stating this is "confidential". They have not cited an exemption under FOIA for this refusal. When the complainant requested an internal review, the School refused to provide this.
2. The Commissioner's decision is that the School has not responded appropriately to this request and has thereby breached sections 1 and 17 of FOIA for the reasons set out in this notice. As it failed to respond within the statutory timeframe, the School has also breached section 10.
3. The Commissioner requires the School to take the following steps to ensure compliance with the legislation.
  - either disclose the withheld information, or issue a refusal notice which complies with the requirements of section 17(1) of FOIA.
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

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5. On 28 April 2023, the complainant wrote to the School and requested information in the following terms:

“I would also like to request a copy of the agenda, signed minutes, reports or papers considered at the governing body meetings held between September 2022 and April 2023. I am aware that there is a requirement on the governing body under para 4 of the ‘Governors Guide to the Law’ to make such information available, and that this information will be covered by FOI. I would prefer to receive these electronically.”
6. The School responded on 17 May 2023. It stated the information could not be provided by email, but offered an opportunity to view the information on-site.
7. The complainant expanded their request on 25 June 2023 to include any other correspondence between the governors and any other party about the complainant’s existing complaint against the school. The School did not respond.
8. On 14 July 2023, the complainant requested an internal review, which the School refused to carry out on 25 July 2023, stating they did not consider this a request under FOIA.
9. When the complainant wrote to the School to express dissatisfaction with this, the School provided some of the requested minutes via email. They did not cite an exemption for refusing the rest of the request.

## Reasons for decision

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10. 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.”
11. When a public authority receives a request for information it has two obligations under section 1(1) of FOIA. Firstly it must explicitly confirm or deny whether it holds the information in question. Secondly, if it does hold that information, it must either provide a copy to the requester or issue a refusal notice. If it receives a request that contains multiple elements, its response must be clear about which information it holds and which it does not.

12. This request seeks specific documents related to governor's board meetings and correspondence about their complaint. If the School does not hold some of the requested information and its response represents all that is available, it has not stated this or issued an adequate refusal notice.
13. 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".
14. The School initially failed to recognise this as an FOI request, and then did not respond until 27 July 2023. Their response did not provide all the information requested and did not cite an exemption for the remainder. As of the date of this notice, the School has yet to comply with its duties under section 1 of FOIA.
15. Under FOIA, it is not sufficient for the School to simply state it has complied with its obligations. It must state whether it holds each piece of information and then either provide that information or explain why it cannot. As the public authority has not done so, it has not complied with section 1(1) of FOIA.
16. Furthermore, as the School did not respond to the request within twenty working days, it has also breached section 10 of the FOIA.

## **Other matters**

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17. Although there is no legal obligation to carry out an internal review in the Act, the Commissioner considers it good practice to do so. Consequently there is no explicit timescale for completion of internal reviews, however the Commissioner considers they should be completed as promptly as possible. The Commissioner thinks that a reasonable time for completing an internal review is 20 working days from the date of the request for review. In exceptional circumstances it may be reasonable to take longer but in no case should the time taken exceed 40 working days.
18. The Commissioner is concerned that in this case, the School failed to recognise a valid request under FOIA, and no internal review was conducted despite repeated requests by the complainant. This put the complainant at a disadvantage when seeking to exercise their right under section 50 to lodge a complaint with the Commissioner on the substantive question of access to the requested information.
19. He therefore considers that the School fell short of the standards of good practice by failing to complete its internal review within a

reasonable timescale. He would like to take this opportunity to remind the School of the expected standards in this regard and recommends that it aims to complete its future reviews within the Commissioner's standard timescale of 20 working days.

20. The Commissioner's website provides guidance for public authorities on how to deal with FOI requests ([Freedom of information and Environmental Information Regulations | ICO](#)).

## Right of appeal

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21. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

22. 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.
23. 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 .....**

**Susan Duffy**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**