

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 September 2024

Public Authority: Potto Parish Council
Address: pottopc@btinternet.com

Decision (including any steps ordered)

1. The complainant has requested information relating to the council's correspondence with the Information Commissioner's Office ("the ICO"). Potto Parish Council ("the council") disclosed some of the information it held falling within the scope of the request in its initial response. It subsequently disclosed the remainder following the Commissioner's investigation letter to it.
2. The complainant argues that the council's response did not comply with the time requirements of FOIA.
3. The Commissioner's decision is that the council did not comply with the requirements of section 10(1) of FOIA.
4. The Commissioner does not require further steps.

Request and response

5. On 18 January 2024, the complainant wrote to council and requested information in the following terms:

"Please can you send me the information below by email under the Freedom of Information Act.

I see the October and November meeting minutes refer to emails from the Commissioner and a rather unusual meeting with the Commissioner.

Noting only the above, I request;

1 - copies of whatever information you received from the Commissioner.

2 - copies of whatever information you sent to the Commissioner.

3 - copies of any notes taken about the meeting or actions arising from the meeting."

6. The council responded on 12 February 2024. It disclosed some information to the complainant.
7. On 14 February 2024 the complainant requested an internal review. The complainant highlighted that:
- "1. Thank you very much for the 2 ICO Emails. Can you kindly send me the other linked Emails mentioned in these ICO Emails?
2. You haven't sent me copies of the Emails you sent to the ICO in this thread.
3. You haven't sent me a copy of the notes you took about the points made in the telephone meeting."
8. On 8 April 2024 the council responded. It said that it would discuss the complainant's request at the next parish council meeting.

Scope of the case

9. The complainant contacted the Commissioner on 27 May 2024 to complain about the way their request for information had been handled.
10. The complainant's initial complaint was that the council had not provided all of the information which it held in response to their request, and that it had not responded to their request for internal review.

11. During the course of the Commissioner's investigation, on 4 September 2024, the council disclosed further information to the complainant.
12. The Commissioner therefore asked the complainant whether they were willing to withdraw their complaint. The complainant, however, said that they wished the Commissioner to issue a decision notice in order to recognise that the council had taken eight months to provide the remainder of the information to them.
13. The following decision notice therefore considers whether the council complied with section 10(1) of FOIA when responding to the request.

Reasons for decision

14. 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."
15. 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".
16. The initial request for information was made by email on 18 January 2024. The council, however, did not disclose all of the information it held falling within the scope of the request until 4 September 2024. This falls outside of the 20 working days required by section 10(1) of FOIA.
17. The Commissioner has therefore decided that the council did not comply with the requirements of section 10(1) of FOIA in that it failed to fully respond to the request as required by section 1 of FOIA within 20 working days.

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: 0203 936 8963

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.

Ian Walley
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF