

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 7 October 2024

**Public Authority:** Derbyshire County Council

**Address:** County Hall  
Matlock  
DE4 3AG

#### **Request:**

The complainant requested the following information from Derbyshire County Council on 20 June 2024:

So the clarification I am seeking and which is not explained within the chronology is why was there a polar shift in positions. Why was there a change from going from a position to some questions being answered as at 05-05-23 by [name one redacted] to then latterly within the involvement of the A2I solicitor within your own Legal Services Division change to a position of claiming an entire exemption on 26-07-23. Why precisely, especially as it must have been considered that certain information had been available to actually provide at 05-05-23. Even on 07-08-23 [name two redacted] had considered as detailed within your chronology that the HR team should have some of the answers based upon the earlier draft prepared by [name one redacted] and seen by her on 05-05-23.

Given [name one redacted] is also such a central and key figure in relation to this matter and the processing of this FOI request has he been consulted upon the response provided by you and is he in agreement with the account of events what took place - especially as the final letter to me may not have received the final approval of [name three redacted] that apparently still included the reference to the 24-05-23 Full Council meeting which he had previously removed on an earlier draft?

#### **Commissioner's Decision:**

A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. Based on evidence available to the Commissioner, by the date of this notice the public authority has not issued

a substantive response to this request. Therefore the Commissioner finds a breach of section 10.

**Steps:**

The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.

The public authority must take this step within 30 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.

**Right of Appeal:**

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)

Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**