

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 October 2024

Public Authority: Ashwell Parish Council
Address: 6A Back Street
Ashwell
Baldock
Herts
SG7 5PE

Decision (including any steps ordered)

1. The complainant requested information associated with a parish council agenda item. Ashwell Parish Council (“the public authority”) disclosed some of the information it held falling within the scope of the request in its initial response. It subsequently disclosed the remainder outside of the statutory time frame of 20 working days.
2. The Commissioner’s decision is that the public authority breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 10 May 2024 the complainant wrote to the public authority and requested information in the following terms:

“So, please allow me to ask again, for the papers associated with the pavilion item, including, but not limited to, any paperwork from the architects, referred to by the Chair and in the document that was circulated at the Annual Parish Meeting in the school hall. (For the avoidance of doubt, we are talking about the papers which were done

some time ago). I would also like to see any other emails or documents, including anything recently from the architect who [redacted], with whom there was a meeting.

It is very clear, these are background papers, because they have informed the debate. They should therefore, be available with the agenda.”

5. The public authority responded on 28 May 2024 and provided some of the information within the scope of the request. The public authority stated that it was unable to provide all of the information, in the following terms:

“There has been a brief exchange of emails between the Chair and the [redacted] architect who has volunteered to advise but no professional input from [redacted] as yet. I am awaiting confirmation re the personal elements in these emails that might need redaction should you wish to see them.”

6. The public authority disclosed the remainder of the information it held within the scope of the request, with redactions of personal data, on 26 June 2024.

Scope of the case

7. The complainant has confirmed that they are happy with the information they have now received, but wish to have the late response formally recorded.

Reasons for decision

8. 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.”

9. 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”.

10. 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.

Right of appeal

11. 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

12. 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.
13. 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's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF