

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

### **Decision notice**

**Date:** 22 November 2024

**Public Authority:** Newton on the Moor & Swarland Parish Council

**Address:** 16 The Village  
Newton on the Moor  
Morpeth  
Northumberland  
NE65 9JY

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

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1. The complainant requested information from Newton on the Moor & Swarland Parish Council (the Council), relating to correspondence linked to a particular meeting.
2. The Commissioner's decision is that the Council failed to disclose the requested information within 20 working days and therefore breached section 10(1) of FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - Issue a response to the new request of 15 May 2024
4. The public authority must take these steps 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 the Act and may be dealt with as a contempt of court.

## **Request and response**

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5. On 15 May 2024, the complainant wrote to the Council and requested information in the following terms:

“Given your refusal to provide the requested readily available information, I now require copies of all pre and post correspondence, minutes, notes taken and any messages, relating to the meeting held on 28 March 2024 and the related forthcoming FJCC meeting of the 16 May 2024, between you and the other two participating FJCC parish council members or employees.”

6. The Council did not respond to this request.

## **Reasons for decision**

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### **Section 10 – time for compliance with request**

7. 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”.
8. The complainant submitted their initial information request to the Council on 25 April 2024. Following the response from the Council to that request, the complainant submitted an internal review request on 15 May 2024, the Council did not provide a response.
9. Point six of this internal review request, shown at paragraph five of this decision notice, was a request for information not included in the request of 25 April 2024.
10. It therefore formed a fresh request for information which should have been dealt with as a new request by the Council.
11. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with FOIA. The Commissioner therefore finds that the Trust has breached section 10(1) by failing to respond to the request within 20 working days

## Right of appeal

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12. 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)

13. 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.
14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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