

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 3 February 2022

Public Authority: Sedgeberrow Parish Council
Address: clerk@sedgeberrowpc.org.uk

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-97431-R3P6, for a decision whether a request for information made by the complainant to Sedgeberrow Parish Council (SPC) on 15 February 2021, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. On 15 February 2021, the complainant made the following request for information under FOIA:

"I am writing to you under the Freedom of Information Act 2000 to request data collected as part of the Sedgeberrow Parish Neighbourhood Plan Household Survey. Please may you provide me with copies of the responses to Q)24 to Q29) submitted by the 40 households who indicated at Q24) that they had a housing need within the next 5yrs?

...

If it is not possible to provide the data requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under the Section 16 obligations of the Act, as to how I can refine my request".

3. SPC responded on 3 March 202, advising that the requested information is not currently held by the Parish Council.
4. The complainant expressed dissatisfaction with that response on 4 March 2021 and 16 March 2021.
5. SPC wrote to the complainant on 1 June 2021 telling him that his request for household information *"is specifically precluded by the privacy notice displayed on the survey"*.
6. In separate correspondence, also dated 1 June 2021, SPC advised the complainant that an internal review had been undertaken and the response was unchanged.
7. On 1 November 2021, the Commissioner wrote to SPC, asking to be provided with the information he required in order to commence his investigation. SPC was asked to respond by 29 November 2021.
8. The Commissioner acknowledges that SPC provided a partial response on 22 November 2021.
9. On 29 November 2021, the Commissioner wrote to SPC regarding its response to his letter of 1 November 2021 and repeating his request to be sent the outstanding information.
10. On 8 December 2021, the Commissioner wrote to SPC again regarding the provision of that information. SPC was asked to respond by 17 December 2021.
11. The Commissioner also wrote to SPC on 22 December 2021, following a phone call with the public authority. At the time of writing this notice, he has not received its substantive response.

Information required

12. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that Sedgeberrow Parish Council shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
- full and final submissions explaining what provision of FOIA SPC is relying on to refuse the request and why; and,
 - copies of any and all of the information within the scope of the request that SPC wishes to withhold.

Failure to comply

13. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.

Right of appeal

14. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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

15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

Laura Tomkinson
Group Manager
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