

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 December 2014

Public Authority: Bradford Metropolitan District Council

Address: City Hall
Centenary Square
Bradford
BD1 1HY

Decision (including any steps ordered)

1. The complainant has requested information from Bradford Metropolitan Borough Council ("the council") about the Chief Executive's contract of service. The council provided a response outside the time for compliance allowed by section 10(1).
2. The Commissioner's decision is that the council has breached section 10(1).
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 24 June 2014, the complainant wrote to the council and requested the following:

"Please provide a copy of the contract of service of the CEO of Bradford Council."
5. The council acknowledged this request on 23 July 2014 when it advised there would be a delay in providing a response.
6. The complainant requested an internal review on 24 July 2014.

7. The council provided its response to the original information request on 28 July 2014 when it disclosed held information.
8. The council then provided its internal review outcome on 8 September 2014.

Scope of the case

9. The complainant contacted the Commissioner on 24 July 2014 to complain that the council had not provided a response to his request for information. Following the council providing a substantive response in which it provided the requested information, the complainant wrote to the Commissioner on 29 July 2014 and asked for a decision notice on whether the council had complied with section 10. During the course of the Commissioner's investigation, the council also provided its internal review in respect of the lateness of its response.

Reasons for decision

Section 10(1) – Time for compliance

10. Section 10(1) requires that a public authority must issue a substantive response within the time for compliance, which is 20 working days following the date on which the request is received.
11. In this case the Commissioner has identified that the council issued its response outside 20 working days, and therefore breached the requirement of section 10(1).

Other matters

12. The Commissioner understands that the council provided an internal review on this matter outside of 20 working days following this being requested by the complainant. The Commissioner's guidance recommends that an internal review be provided within 20 working days, and up to 40 working days in exceptional circumstances. This guidance may be consulted at:
https://ico.org.uk/for_organisations/freedom_of_information/guide/refusing_a_request#when-can-we-refuse-a-request-for-information-20

Right of appeal

13. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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

Signed

Andrew White
Group Manager
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Cheshire
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