

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 December 2018

Public Authority: The Governing Body of Prestatyn High School
Address: prestatyn.high@denbighshire.gov.uk

Decision (including any steps ordered)

1. The complainant requested details of the number of parents who have had their contact with Prestatyn High School ('the School') removed since 1 December 2016. The Commissioner's decision is that the School breached section 10(1) of the FOIA in that it failed to respond to the request within the statutory time for compliance. As a response has now been provided, the Commissioner does not require the School to take any steps.

Request and response

2. On 4 May 2018, the complainant wrote to the School and requested information in the following terms:
"I also request information regarding how many parents have had their contact with the school removed since 1st December 2016".
3. The complainant's solicitor subsequently telephoned the School to chase a response to the request.
4. Following the intervention of the Commissioner the School responded to the request on 29 November 2018 and provided the information requested.

Scope of the case

5. The complainant contacted the Commissioner on 6 June 2018 to complain about the way his request for information had been handled.
6. The Commissioner wrote to the School on 9 and 24 August 2018 and reminded it of its obligations under the FOIA to respond to requests promptly, and within 20 working days following receipt.
7. The scope of this notice and the following analysis is to consider whether the School has complied with section 10 of the FOIA.

Reasons for decision

Section 10 – time for compliance

8. Sections 1 and 10 of the FOIA provide a general right of access to recorded information held by public authorities. These sections provide that when a written request for information is made, the public authority must state whether it holds that recorded information within 20 working days. If it does, it must provide that information within 20 working days unless a valid reason for not doing so exists under the FOIA. If such a reason does exist, a refusal notice should be issued in accordance with section 17 of the FOIA, again within 20 working days.
9. In this case, the request was made on 4 May 2018, but a response was not issued until 29 November 2018. This is clearly a breach of section 10(1) of the FOIA. However, as the School has now issued a response, the Commissioner does not require it to take any further action.
10. In light of the significant delay in the response being provided in this case, the Commissioner would like to remind the School of its obligations under section 10(1) to respond to requests "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.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.

Signed

David Teague
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