

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

### **Decision notice**

**Date:** 14 February 2019

**Public Authority:** Somerset County Council

**Address:** County Hall  
Taunton  
Somerset  
TA1 4DY

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

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1. The complainant has requested information relating to the 2018 Library Supply Tender.
2. The Commissioner's decision is that Somerset County Council (the Council) has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
  - The Council must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council must take this step within 35 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 25 September 2018, the complainant wrote to the Council via its online portal and requested information about the 2018 Library Supply Tender. As the request was submitted via the online portal, the complainant does not have a copy of the original request.
6. The Council wrote to the complainant on 25 September 2018 to confirm receipt of his request saying: *"Thank you for your request for information about 2018 Library Supply Tender which we received on 25 September 2018"*.
7. The complainant chased a response from the Council on 31 October 2018 and 4 December 2018, but did not receive a response. To date a substantive response has not been provided.

## Scope of the case

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8. The complainant contacted the Commissioner on 11 December 2018 to complain about the Council's failure to respond to his information request.
9. On 10 January 2019 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
10. Despite this intervention the Council has failed to respond to the complainant.
11. Although she does not have a copy of the actual request, the Commissioner is satisfied that the Council has acknowledged receipt of the request and that it was recognised as an information request.

## Reasons for decision

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12. Section 1(1) of the 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"*

13. Section 10(1) of the 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."*
14. 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 the FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## Right of appeal

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15. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

16. 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.
17. 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 .....**

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