

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 March 2019

Public Authority: Harrogate Borough Council
Address: Civic Centre
St Lukes Avenue
Harrogate
HG1 2AE

Decision (including any steps ordered)

1. The complainant has requested specific set of correspondence between the council and the police. He also requested details of the attendees at a meeting and any notes taken at that meeting by all attending staff. The council initially withheld the information however during the course of the Commissioner's investigation it reconsidered its position and disclosed the withheld information to the complainant.
2. The Commissioner's decision is that the council failed to comply with the requirements of section 10(1) of the Act in that it failed to provide the requested information within 20 working days.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 11 April 2018, the complainant wrote to the council and requested information in the following terms:

"Under FOI can you provide [name redacted] correspondence sent on the 22nd of Nov 2017 and you [sic] response.

Also who attended the meeting of 22nd August and any notes taken at that meeting by all attending council staff."

5. The council responded on 10 May 2018. It refused to provide the information it held on the basis that the exemptions in sections 41 (information provided in confidence) and section 31(1)(a) (prevention and detection of crime) applied.
6. Following an internal review the council wrote to the complainant on 30 July 2018. It maintained its position that the information is exempt from disclosure.

Scope of the case

7. The complainant contacted the Commissioner on 7 August 2018 to complain about the way his request for information had been handled. He believed that the information should have been disclosed to him.
8. The Commissioner wrote to the council on 11 January 2019 asking the council to explain why the exemptions were applicable to the withheld information in this case. The council responded on 6 February 2019. It said that after reconsidering its position it was now content to disclose the requested information to the complainant and it confirmed that it had now done so. It also confirmed that it had disclosed information relating to the second part of the request on 9 August 2018.
9. The Commissioner therefore contacted the complainant by telephone and asked him if he was happy with the information which had now been disclosed, and if so, whether he was therefore content to withdraw his complaint.
10. The complainant said that, whilst he was satisfied with the councils disclosure of the requested information, he wanted the Commissioner to issue a decision notice regarding the delay in providing him with the information. He said that he wanted formal recognition that the council had failed to provide the information within the 20 working days stipulated by the Act.

11. The Commissioner therefore considers that the complaint is that the council failed to provide the relevant information within the time stipulated by section 10(1) of the Act.

Reasons for decision

12. Section 10(1) of FOIA states that "*Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.*"
13. The complainant submitted his request for information on 11 April 2018.
14. The council provided information respect of part 2 of the request on 9 August 2018.
15. It disclosed information in respect of the first part of the complainant's following the Commissioner's letter to it of 11 January 2019.
16. It therefore failed to disclose the information falling within the scope of the complainant's request within the 20 working days required by section 10(1) of the Act.
17. The Commissioner has therefore decided that the council has failed to comply with section 10(1) of the Act.

Right of appeal

18. 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

19. 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.
20. 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
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