

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

### **Decision notice**

**Date:** 15 September 2020

**Public Authority:** Manchester City Council  
**Address:** Town Hall Extension  
Albert Square  
Manchester  
M60 2LA

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

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1. The complainant has requested a copy of a contract for the kennelling of stray dogs. Manchester City Council disclosed a redacted copy of the information, withholding details under the exemption for commercial interests – section 43(2) of the FOIA. During the Commissioner's investigation Manchester City Council dropped its reliance on section 43(2) and disclosed the information to the complainant.
2. The Commissioner's decision is that Manchester City Council disclosed the information outside the statutory time limit and breached section 10(1) of the FOIA.
3. The Commissioner does not require the public authority to take any steps.

## Request and response

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4. On 28 January 2020 the complainant wrote to Manchester City Council (the "council") and requested information in the following terms:

*"The contract between Manchester City Council and the Manchester and District Home for Lost Dogs for the kennelling of stray dogs should shed further light upon this matter. Please can you therefore provide me a copy of the contract specification and the pricing schedule."*

5. The council responded on 24 March 2020. It stated that it was withholding the information under the exemption for commercial interests – section 43(2) of the FOIA
6. Following an internal review the council wrote to the complainant on 29 April 2020. It disclosed a redacted copy of the information to the complainant and confirmed that it was maintaining its reliance on section 43(2) to withhold the outstanding information. It also withheld some personal data under section 40(2) of the FOIA.

## Scope of the case

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7. On 23 June 2020 the complainant contacted the Commissioner to complain about the way their request for information had been handled.
8. The Commissioner confirmed with the complainant that her investigation would focus on whether the council had correctly withheld information under section 43(2). She also confirmed that she would exclude the information withheld by the council under section 40(2) from her investigation.
9. During the course of the Commissioner's investigation the council reconsidered its position and determined that it no longer considered that the information should be withheld under section 43(2). The council disclosed the information to the complainant and the complainant asked the Commissioner to issue a decision notice to record these facts.

## Reasons for decision

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### Section 10 – time for compliance

10. Section 1 of the FOIA states that:

*“(1) 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.”*

11. Section 10(1) of the FOIA states:

*“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.”*

12. In this case the complainant submitted their request on 28 January 2020 and the council disclosed the information on 4 September 2020.

13. The Commissioner has concluded that that the council disclosed the requested information outside the statutory time limit and breached section 10(1) of the FOIA.

## Right of appeal

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14. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

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

15. 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.
16. 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**  
**Head of FoI Casework and Appeals**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**