

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 November 2020

Public Authority: Bristol City Council

Address: City Hall
PO Box 3399
Bristol
BS1 9NE

Decision (including any steps ordered)

1. The complainant requested information from Bristol City Council (the Council) about the Council's policies and procedures regarding the use of risk alerts on case files of Adult Care service users. The Council had failed to provide a substantive response by the date of this notice.
2. The Commissioner's decision is that Bristol City Council (the Council) failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The Council must take these steps 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 15 June 2020, the complainant wrote to the Council and requested information in the following terms:

"All policies and procedures regarding risk alerts on case files of Adult Care service Users."

6. On 16 June 2020, the Council wrote to the complainant to seek clarification as to what was meant by "risk alerts" in his request.

7. On 26 June 2020, the complainant wrote to the Council to clarify the meaning of his request in the following terms:

"In a number of council services risk alerts are placed on service users files or other records indicating for example 'Risk Type' 'Risk Level' 'Date Risk Started' 'Review Date' amongst other matters. This is the case with Adult Social Care, Housing and other BCC services."

8. The Council acknowledged the Complainant's clarification of the request on 29 June 2020 but had failed to provide a substantive response by the date of this notice.

Scope of the case

9. The complainant contacted the Commissioner on 9 October 2020 to complain about the failure, by the Council, to respond to the request.
10. In line with her usual practice, the Commissioner contacted the Council on 22 October 2020 to highlight the outstanding response. She requested that the Council respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
11. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

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 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

14. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

15. Section 10 of the FOIA states that responses to requests made under the Act must be provided *"promptly and in any event not later than the twentieth working day following the date of receipt."*

16. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Council has breached section 10 of the FOIA.

Right of appeal

17. 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

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

18. 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.
19. 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

Ben Tomes
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