

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

### **Decision notice**

**Date:** 21 August 2019

**Public Authority:** Reading Borough Council  
**Address:** Civic Offices  
Bridge Street  
Reading  
RG1 2LU

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

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1. The complainant requested figures relating to Government funding and government grants for the years between 2010 and 2019, as well as predicted Grant figures for the year 2019 to 2020.
2. The Commissioner's decision is that Reading Borough Council ("the Borough Council") failed to respond to the request within 20 working days and has therefore breached Section 10 of the FOIA.

### **Request and response**

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3. On 11 March 2019, the complainant wrote to the Borough Council and requested information in the following terms:

*"Please can you supply the following information as figures in £M (they are easily accessible as they are frequently referred to in the local press):*

*1. The total annual amount in £M RBC received as Government Funding for:*

*a. 2010/11*

*b. 2011/12*

*c. 2012/13*

*2. The total annual amount in £M RBC received as Government Grant for:*

- a. 2013/14*
- b. 2014/15*
- c. 2015/16*
- d. 2016/17*
- e. 2017/18*
- f. 2018/19*

*3. The total annual amount in £M RBC is expecting to receive as Government Grant for:*

- a. 2019/20*

*Many thanks."*

- 4. The Borough Council acknowledged the request on 13 March 2019 but had failed to provide a substantive response by the 20 working day limit.

### **Scope of the case**

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- 5. The complainant contacted the Commissioner on 30 May 2019 to complain about the failure, by the Borough Council, to respond to the request.
- 6. In line with her usual practice, the Commissioner contacted the Borough Council on 18 June 2019 to highlight the outstanding response. She requested that the Borough Council respond to the request within 10 working days.
- 7. Reading Borough Council responded to the Information Commissioner on 19 July 2019 to state it had replied to the complainant on 4 June 2019.
- 8. The complainant contacted the Commissioner on 18 July 2019 to request a decision notice considering the Borough Council's compliance with the FOIA.
- 9. The scope of this notice and the following analysis is to consider whether Borough Council has complied with section 10 of the FOIA.

## Reasons for decision

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10. 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.*

11. 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.*

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

13. 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.*"

14. 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 Borough Council breached section 10 of 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 .....**

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**