

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 October 2021

Public Authority: Information Commissioner's Office (ICO)

Address: Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Note: This decision notice concerns a complaint made against the Information Commissioner ("the Commissioner"). The Commissioner is both the regulator of the Freedom of Information Act 2000 (FOIA) and a public authority subject to the FOIA. She is therefore under a duty as regulator to make a formal determination of a complaint made against her as a public authority. It should be noted, however, that the complainant has a right of appeal against the Commissioner's decision, details of which are given at the end of this notice. In this notice the term "ICO" is used to denote the ICO dealing with the request and the term "Commissioner" denotes the ICO dealing with the complaint.

Decision (including any steps ordered)

1. The complainant requested information from the ICO about a specified Decision Notice.
2. The Commissioner's decision is that the ICO breached section 10(1) of the FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days.
3. As a response has been issued, the Commissioner does not require the ICO to take any further steps.

Request and response

4. On 29 July 2021 the complainant wrote to the ICO and made an enquiry in the following terms:

"Hi – I'm trying to locate this FOI decision notice, re Great Wyrley Parish Council, appealed here https://www.bailii.org/uk/cases/UKFTT/GRC/2021/2020_0014.pdf

It's not showing on your online database of DNs?

Many thanks,"

5. The ICO responded to the enquiry on 9 August 2021 stating:

"I have also tried searching through our decision notices online and unfortunately cannot find the one referenced in the linked document.

If you would like a copy of this decision notice, I recommend that you [make a freedom of information request to us](#).

6. After a further exchange of emails, and the complainant reiterating their original request on 9 August 2021, the case was transferred to the ICO's Information Access Department, who responded to the request on 7 October 2021.

Scope of the case

7. The complainant contacted the Commissioner on 22 September 2021 to complain about the ICO's failure to respond to their request within the statutory time frame of the FOIA.
8. The Commissioner has considered whether the ICO has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. 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."

10. 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*".
11. From the evidence provided to the Commissioner in this case, it is clear that the ICO did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the ICO has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

12. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

13. 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.
14. 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

Michael Lea
Team Manager
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Wycliffe House
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Cheshire
SK9 5AF