

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 March 2022

Public Authority: Liverpool City Council
Address: Municipal Buildings
Room 221
Dale Street
Liverpool
L69 2DH

Decision (including any steps ordered)

1. The complainant has requested information from Liverpool City Council ('the Council') about job interviews. At the date of this notice, the Council has not provided a response to the request.
2. The Commissioner's decision is as follows:
 - The Council has breached section 10(1) of FOIA as it has not provided a valid response to the request within the statutory timeframe of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation:
 - Provide a response to the part of the complainant's request of 16 November 2021 that is covered by FOIA, that complies with that legislation.
4. The Council must take this step 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 16 November 2021, the complainant wrote to the Council and requested information in the following terms:

"I have recently applied for positions at Liverpool city council within the [Redacted] team. Following no response for this information with that team, I am now making an FOI for the following information:

Please provide all communications between HR/Recruitment teams and all relevant persons within the [Redacted] department and any other internal communications regarding my recently applied for positions as listed below:

Job Reference [Redacted]: Application for [Redacted]. Submitted [Redacted]. Job Reference [Redacted]: Application for [Redacted]. Submitted [Redacted].

Provide all notes/scoring and any other communications relating to my interviews in respect of Job Reference [Redacted]: Application for [Redacted] & Job Reference [Redacted]: Application for [Redacted].

Provide all notes/scoring and any other communications relating to all other candidates interviews (with their personal information removed) in respect of Job Reference [Redacted]: Application for [Redacted].

Provide the date/s of all job offers related to other candidates for the position of Job Reference [Redacted]: Application for [Redacted] & for the position of Job Reference [Redacted]: Application for [Redacted]."

6. Part of the request is a subject access request under the data protection legislation and part of the request is covered by FOIA.
7. The complainant did not go on to receive a response to either element of the request and contacted the Commissioner.
8. The Commissioner wrote to the Council on 14 February 2022 and asked it to provide a response to the request, in line with the appropriate legislation, within 10 working days. On 3 March 2022 the complainant advised the Commissioner that they still had not received a response.
9. The Commissioner wrote to the Council on 3 March 2022 and asked it to provide him with an update on the situation by close of Friday 4 March 2022. He did not receive a response from the Council.

Scope of the case

10. The complainant contacted the Commissioner on 7 February 2022 to complain about the way their request for information had been handled.
11. The Commissioner's investigation has focussed on the Council's obligation under section 10(1) of FOIA with regard to the part of the request covered by that particular legislation.

Reasons for decision

Section 10 – time for compliance

12. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have the information communicated to them if it is held and is not subject to an exemption.
13. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
14. The complainant submitted their request to the Council on 16 November 2021 and to date has not received a response under section 1(1). The Council has therefore breached section 10(1) with regards to this request.

Right of appeal

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: 0203 936 8963
Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: 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

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF