

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

### **Decision notice**

**Date:** 10 January 2013

**Public Authority:** South Tyneside Council  
**Address:** Town Hall & Civic Offices  
Westoe Road  
South Shields  
Tyne & Wear  
NE33 2RL

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

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1. The complainant requested information about South Tyneside Council's (the council's) budget and related matters for 2011/12 and 2012/13 for specialist education services for deaf/hearing impaired children.
2. The Commissioner's decision is that the public authority did not deal with the request in accordance with the FOIA. The information was not supplied within 20 working days and therefore South Tyneside Council (the council) has breached section 10(1).
3. As the requested information was provided during the course of the investigation, the Commissioner does not require the public authority to take any further action.

#### **Request and response**

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4. On 1 March 2012, the complainant wrote to the council and requested information relating to its specialist education services for deaf/hearing impaired children for 2011/12 and 2012/13, part of which required tables to be populated with the appropriate information.
5. The request was acknowledged by the council on the same day.

6. The complainant sent a chaser email on 2 April 2012 to enquire about the council's response and this email was acknowledged by the council on the same day.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 11 May 2012 to complain about the lack of a response from the council.

### **Reasons for decision**

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8. Section 1(1) of FOIA requires a public authority in receipt of a request for information to confirm whether it holds the requested information, and, if so, disclose it to the applicant. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.
9. On 4 July 2012, the Commissioner wrote to the council asking why there had been no response and reminding the council of its statutory duty to respond within 20 working days.
10. A reminder was sent to the council on 16 August 2012. A response was finally provided on 17 August 2012, over 5 months after the request was made.

### **Other matters**

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11. The Commissioner does not have the power to fine public authorities for breaches of the FOIA. However, the delay in providing this response has been logged and will be used to monitor any persistent trends which might indicate that a public authority is routinely failing to respond within the statutory 20 working days permitted under section 10(1) of the FOIA.

## Right of appeal

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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: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

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 .....**

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**