

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 February 2014

Public Authority: Bridgend County Borough Council

Address: Civic Offices
Angel Street
Bridgend
CF31 4WB

Decision (including any steps ordered)

1. The complainant requested information about a particular property. Bridgend County Borough Council ('the Council') stated some information was not held and applied sections 12 and 21 to other parts of the request. The complainant was unhappy with the Council's response to part 1 of the request. During the course of the Commissioner's investigation, the Council disclosed the information held relating to part 1 of the request. The Commissioner's decision is that the Council breached section 10 of the FOIA in failing to provide the requested information within the statutory time for compliance. The Commissioner requires no steps to be taken.

Request and response

2. On 5 January 2012, the complainant wrote to the Council and requested information about a specific property in the following terms:
 - "1. All surveys carried out on the premises from the year 2000 to date.
 2. From January 2005 to date, the title deeds of the property.
 3. From January 2005 to January 2008, the insurance policies covering the property.
 4. From January 2005 to date, all information, not requested above, that BCBC keep on record relating to the premises".

3. The Council issued a refusal notice on 16 January 2012 stating that compliance with the request would exceed the appropriate limit and, as such, it was relying on section 12 of the FOIA to refuse the request.
4. On 23 January 2012 the complainant wrote to the Council requesting an internal review of its handling of the request.
5. The Council provided the outcome of its internal review on 15 February 2012 and responded to each of the four parts of the request as follows:
 - Part 1 – The Council is not required to provide the information requested as the FOIA provides a right of access to information held but not to specific documents.
 - Part 2 – Section 21 applies as the information was available from the Land Registry.
 - Part 3 – Information not held.
 - Part 4 – Section 12 applies as compliance would exceed the appropriate limit.

Scope of the case

6. The complainant contacted the Commissioner on 2 August 2013 to complain about the way his request for information had been handled.
7. In his complaint to the Commissioner, the complainant expressed dissatisfaction with the Council's response to part 1 of the request.
8. The Commissioner initially wrote to the complainant to confirm that his investigation would be to establish what information the Council held relevant to part 1 of the request, and whether any information held should be disclosed.
9. During the course of the Commissioner's investigation, the Council disclosed some information held relevant to part 1 of the request on 9 January 2014, and it located additional relevant information on 6 February 2014 which it provided to the complainant.
10. The Commissioner contacted the complainant and asked him if he now wished to withdraw his complaint in the light of the disclosure of the requested information. The complainant indicated that he still wished to pursue his complaint.
11. The Commissioner wrote to the complainant on 10 February 2014 to confirm that he would issue a decision notice relevant to his complaint

which would reflect the delay in the Council providing the information held relevant to part 1 of his request. The scope of this case, therefore, is to consider whether the Council breached section 10 of the FOIA in its handling of part 1 of the request.

Reasons for decision

Section 10(1) – time for compliance

12. Section 10(1) of the FOIA requires that a public authority complies with section 1(1) promptly and in any event not later than 20 working days following the date that a request was received. Section 1(1) states that a public authority should confirm whether it holds relevant recorded information and, if so, to communicate that information to the applicant.
13. The request in this case was made on 5 January 2012 and it was not until after the Commissioner commenced his investigation, that the Council disclosed information relating to part 1 of the request. In failing to provide this information within 20 working days of receipt the request, the Council breached section 10(1) of the FOIA.

Right of appeal

14. 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: GRC@hmcts.gsi.gov.uk

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

15. 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.
16. 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

Anne Jones
Assistant Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF