

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 30 September 2025

Public Authority: Fermanagh and Omagh District Council

Address: 2 Townhall Street
Enniskillen
Fermanagh
BT74 7BA

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(b) reasonably requires any information–

(i) for the purposes of determining whether a public authority has complied or is complying with any of the requirements of Part I, or

(ii) for the purposes of determining whether the practice of a public authority in relation to the exercise of its functions under this Act conforms with that proposed in the codes of practice under section 45 and 46,

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Circumstances leading up to this Notice

1. The Commissioner issued a decision notice¹ to Fermanagh and Omagh District Council ordering disclosure of information relating to dog breeding licences and inspection reports. This notice concerned a request made to the Council on 21 January 2024. The Council appealed the decision to the First-tier Tribunal, which was heard on 28 February 2025. The tribunal dismissed the appeal, and ordered disclosure of the information. The decision was signed by the judge on 16 June 2025, with a 'decision given date' of 18 June 2025.
2. The withheld information, dating back to 2015, was disclosed to the complainant by the Council in response to judgment.
3. Recently, the complainant became aware that there had been a change in the Council's policy to destroy inspection reports relating to dog breeding licenses and premises. They made another information request about the Council's records management policy², and in particular that relating to dog breeding licenses and inspections.
4. The complainant considers there is a direct correlation between the tribunal's decision to order disclosure of the information about dog breeding licenses, and the change in the Council's records management practices. The 'Record of Destruction'³ disclosed to the complainant shows that on 16 June 2025, the day the tribunal decision was signed, the Council destroyed a large number of records for the period 2015-2023 including:
 - block licenses;
 - breeding licenses, inspection reports and associated documents;
 - service requests; and
 - R Drive: Dog Breeding.
5. The Commissioner is both surprised and concerned at the timing of the destruction of these records, and the eight year period they cover, given the date of the court judgment which orders disclosure of closely related

¹ [ic-296476-p2k0.pdf](#)

² [Policy on destruction of records relating to licensed dog breeders - a Freedom of Information request to Fermanagh and Omagh District Council - WhatDoTheyKnow](#)

³ [Record of Destruction redacted.pdf](#)

records. He wishes to understand more about the reasons for the destruction, the circumstances surrounding it, and whether sufficient consideration was given to any outstanding information requests which may affect the Council's compliance with Part 1 of FOIA.

6. The Commissioner notes that the Council's Records Retention and Disposal Schedule⁴ is dated November 2015. It has had no documented amendments or changes for almost ten years. The Commissioner wants to know whether the Council gave due consideration to the principles of the section 46 Code of Practice regarding value, integrity and accountability when it decided to destroy the records specified in this notice. He also wants to understand why eight years of records were destroyed at once, and how this conforms to its own schedule.

Information required

7. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51(1)(b) of FOIA he requires that Fermanagh and Omagh District Council shall, within 30 calendar days of the date of this notice, furnish the Commissioner with the following information:
 - Copies of all FOIA/EIR **live requests** and **internal reviews** as of **15 June 2025**;
 - Copies of **all responses** to requests, including disclosed information, provided after **15 June 2025**;
 - Further details of the records destroyed in the destruction schedule dated **16 June 2025** disclosed via the WDTK request, particularly those described as 'service requests';
 - Details of any other records deleted or destroyed regarding dog licensing, dog breeding and dog inspections **since 1 January 2025**;
 - All communication including but not limited to emails, meetings, minutes of meetings and calls concerning the decision to destroy the records described in the 'Record of Destruction' and any others concerning dog licensing, dog breeding and dog inspections **since 1 January 2025**.

⁴ [Records Retention and Disposal Schedule.pdf](#)

Failure to comply

8. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.

Right of appeal

9. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)
General Regulatory Chamber
PO Box 11230
Leicester
LE1 8FQ

Tel: 0203 936 8963
Fax: 0870 739 5836
Email: grc@Justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

10. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed by:

Joanna Marshall
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF