

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 27 September 2012

**Public Authority:** Nottingham City Council  
**Address:** Loxley House  
Station Street  
Nottingham  
NG2 3NG

#### Decision (including any steps ordered)

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1. The complainant requested the names and numbers of individuals who had signed an e-petition on Nottingham City Council's (the council's) website.
2. The council failed to provide a response to the request within 20 working days, in breach of section 10(1) of the FOIA.
3. The Commissioner requires the council either to comply with the requirements of section 1 of the FOIA or to issue a valid refusal notice in accordance with section 17.
4. The council must take these steps 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

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5. On 18 April 2011, the complainant wrote to the council and requested information in the following terms:

*"Please may I make a Freedom of Information request regarding a petition (Ref No 51) handed to the Council on 4th November 2010 asking for the flood defence work to stay on the alignment across the Meadows Recreation Ground.*

*I would like to see the petition names (not addresses) and numbers.  
Who was the lead signatory?"*

6. The council acknowledged the request on the same day.
7. On 26 July 2011, the council wrote to the complainant to apologise for the delay in responding, stating that every effort was being made to resolve the situation.

### **Scope of the case**

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8. The complainant contacted the Commissioner to complain about the way the council had failed to respond to his request.
9. Despite the Commissioner's intervention on 16 March 2012, the only further communication the complainant received is a letter from the council on 27 March 2012 asking if he still required the information he had requested.
10. On 30 March 2012, the complainant confirmed to the council that he did want the information.

### **Reasons for decision**

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#### **Section 1**

11. Section 1(1) of the FOIA provides 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 the information of the description specified in the request, and
  - (b) if that is the case, to have that information communicated to him.

#### **Section 10**

12. Section 10(1) of the FOIA provides that a public authority must comply with section 1(1) of the FOIA promptly, and in any event, not later than the twentieth working day following the date of receipt.
13. The complainant initially submitted his information request to the council on 18 April 2011 but, despite the Commissioner's later intervention on 16 March 2011, the council has not provided a

response. Consequently the Commissioner finds that the council has breached section 10(1) by failing to comply with its obligations under section 1(1).

## Other matters

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14. The Commissioner is aware that a number of concerns have been raised regarding the council's timeliness with its handling of requests and whether it was achieving a satisfactory performance in terms of its compliance with the FOIA and the EIR. The council signed an undertaking this year ENF0382784<sup>1</sup> and the enforcement department is continuing to monitor the council's compliance.

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[http://www.ico.gov.uk/what\\_we\\_cover/taking\\_action/~/\\_media/documents/library/Freedom\\_of\\_Information/Notices/FOIA\\_undertaking\\_Notts.ashx](http://www.ico.gov.uk/what_we_cover/taking_action/~/_media/documents/library/Freedom_of_Information/Notices/FOIA_undertaking_Notts.ashx)

## Right of appeal

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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: 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)

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** .....

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