

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

### **Decision notice**

**Date:** 25 February 2013

**Public Authority:** Kirby Muxloe Parish Council  
**Address:** Parish Council Office  
Station Road  
Kirby Muxloe  
Leicestershire  
LE9 2EN

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

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1. The complainant asked Kirby Muxloe Parish Council ("the council") to provide a copy of its complaints procedure. The council failed to respond to the request.
2. The Commissioner's decision is that the council breached section 10(1) of the Freedom of Information Act 2000 ("the FOIA") by failing to respond to the request within 20 working days.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Respond to the request in accordance with the obligations under the FOIA. Guidance about responding to requests under the FOIA is available on the Commissioner's website at [www.ico.gov.uk](http://www.ico.gov.uk)
4. The public authority 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 29 April 2012, the complainant requested information from the council in the following terms:

*"Your protocol also refers in clause C (v) to 'the Council's adopted complaints procedure'. This is not available on the website, and I would therefore be grateful if you would forward a copy to me".*

6. The council did not respond to the request.
7. On 17 October 2012, the complainant reiterated his request for information. He received an acknowledgement from the council but no substantive response.

### **Scope of the case**

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8. The complainant contacted the Commissioner to complain about the council's failure to respond to his request.

### **Reasons for decision**

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9. Section 10(1) of the FOIA provides that public authorities should respond to requests for information within 20 working days. Despite informal reminders from the Commissioner about the council's obligations to respond under the FOIA, the council failed to respond and therefore breached section 10(1).

## Right of appeal

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10. 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)

11. 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.
12. 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**