

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 19 October 2015

**Public Authority:** Kirklees Council

**Address:** Civic Centre  
High Street  
Huddersfield  
HD1 2TG

#### Decision (including any steps ordered)

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1. The complainant has requested information with regards to a private cabinet meeting. Kirklees Council (the council) responded to the request after the complainant requested an internal review. The complainant was not satisfied with the time it took the council to respond to his request.
2. The Commissioner's decision is that the council has breached section 10(1) of the FOIA as it did not respond to the request within the required 20 workings following receipt of the request.
3. As the council has now responded, the Commissioner does not require it to take any steps.

#### Request and response

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4. On 23 April 2015 the complainant wrote to the council and requested the following information:

*"I wish to make a freedom of information request relating to the private cabinet meeting held by the Kirklees Cabinet on 17th December 2013. The title of the report is the Educational Funding agency for the Whitcliffe Mount School site.*

*I wish to request all internal emails and letters written by councillors to [name redacted] and sent by [name redacted]*

*relating to the requesting and implementation of exemptions under the Freedom of information Act apply to this meeting."*

5. The complainant contacted the council again on the 11 June 2015 as he had not received a response to his request. The complainant deemed this to be a refusal to his request and asked that the council carry out an internal review.
6. He also contacted the Commissioner on the 11 June to complain that the council has not responded to his request.
7. The council, following contact from the Commissioner, advised that a response to the internal review request was issued on the 17 June 2015.

### **Scope of the case**

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8. The complainant confirmed to the Commissioner, on the 26 July 2015, that he had received the council's response but was not satisfied with the time it took to respond to him.
9. The Commissioner considers the scope of the case is to determine whether the council breached section 10(1) of the FOIA in providing a response to the request outside the required timeframes of the FOIA.

### **Reasons for decision**

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#### **Section 10(1) of the FOIA**

10. Section 10(1) of the FOIA states that a public authority must respond to an information request within 20 working days following receipt of the request.
11. In this case, the request was made on the 23 April 2015 and the council did not provide a response until 17 June 2015. This clearly being outside the required 20 working days from receipt of the request.
12. The Commissioner therefore finds that the council has breached section 10(1) of the FOIA.

## Right of appeal

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13. 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: 0870 739 5836

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

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

14. 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.
15. 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**