

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 January 2018

Public Authority: Potto Parish Council

Address: pottopc@btinternet.com

Decision (including any steps ordered)

1. The complainant requested copies of newsletters. Potto Parish Council (the council) provided the information but the complainant was not satisfied with the time it took to supply it.
2. The Commissioner has determined that the council has breached section 10(1) of the FOIA as it provided the information outside the required 20 working day timeframe set by the FOIA.
3. As the information has now been provided, the Commissioner does not require the council to take any steps.

Request and response

4. On 4 February 2017, after advising the council that he had not been receiving its newsletters, the complainant requested:

"... a copy of all parish council newsletters for period Christmas 2013 to date."

5. The council acknowledged receipt of the request on the same day.
6. On 13 February 2017, the complainant contacted the council further as he had not received a response to his request.
7. The council acknowledged his follow up on the same day advising that it will respond as soon as possible.

Scope of the case

8. The complainant contacted the Commissioner on the 13 March 2017 as no response had been received to his request.
9. On the 16 March 2017, the council responded to the complainant stating that it is currently working to have all past newsletters available on its website so they will be available for viewing.
10. The complainant contacted the Commissioner further to complain that the council has not advised him when the newsletters will be made available.
11. Following contact from the Commissioner, the council provided the complainant with the information on the 6 December 2017.
12. The complainant has told the Commissioner that he is not satisfied with the council's handling of his request and has asked that a decision notice is issued to formally record the council's delayed response.
13. The Commissioner considers the scope of the request is to determine whether the council has breached section 10(1) of the FOIA.

Reasons for decision

Section 10(1) of the FOIA

14. Section 10(1) of the FOIA requires a public authority to respond to an information request, either providing the information or issuing a valid refusal, within 20 working days following receipt of the request.
15. In this case, the complainant made his information request on 4 February 2017 and council did not provide the information until 6 December 2017. This being 10 months after the request was made.
16. This is clearly outside the required response time of 20 working days and therefore the Commissioner finds that the council has breached section 10(1) of the FOIA.
17. As the council has now provided the information to the complainant, the Commissioner does not require the council to take any steps.

Right of appeal

18. 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

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

19. 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.
20. 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
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