

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

### **Decision notice**

**Date:** 16 July 2019

**Public Authority:** Plymouth City Council  
**Address:** Ballard House  
Plymouth  
PL3 2BJ

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

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1. The complainant requested information from Plymouth City Council ("the Council") including a copy of the contract for the Plymouth Octopus Project, the full service specification, fiscal value, key performance indicators and full monitoring of said account for 2012-2019.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. As a response has been issued, the Commissioner does not require the Council to take any further steps.

## Request and response

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4. On 7 December 2018, the complainant wrote to the Council and requested information in the following terms:

*"Please forward a copy of the publicly funded commissioned contract between the above organisation originating from the Zebra Collective initially when a part financial year contract was established between them and Plymouth City Council, the full service specification, fiscal value, key performance indicators and full monitoring of said account for*

*2012/13*

*2013/14*

*2014/15*

*2015/16*

*2016/17*

*2017/18*

*2018/19*

*Thank you."*

5. The Council provided a response on 27 February 2019.

## Scope of the case

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6. The complainant contacted the Commissioner on 4 February 2019 to complain about the way her request for information had been handled and she specifically requested a decision notice recording the late response provided by the Council.
7. On 27 February 2019 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
8. The Commissioner therefore considers the scope of the case to be whether the Council complied with its obligations under section 1 of the FOIA (general right of access to information held by public authorities) and section 10 (time for compliance with the request).

## Reasons for decision

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9. Section 1(1) of the FOIA states 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 information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him.*

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt.”

11. From the evidence provided to the Commissioner in this case, it is clear that in failing to issue a response to the request within 20 working days, the Council has breached Section 10(1) of the FOIA.

## Right of appeal

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

13. 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.
14. 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**