

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 February 2020

Public Authority: Thanet District Council
Address: Hawley Square
Margate
Kent
CT9 1NY

Decision (including any steps ordered)

1. The complainant requested information about an ICT project. Thanet District Council ("the Council") acknowledged the request but had failed to issue a response at the date of this notice.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 27 August 2019, the complainant wrote to the Council and requested information in the following terms:

"It is understood that the Council's ICT Service, a shared service provided by EK Services, is undergoing some form of review."

"Please provide all recorded information, including meeting notes in relation to possible changes and restructures at EK Services ICT.

"Please be sure to include

- 1. The report written about possible options for changes to ICT. This report may have been written by the head of shared services and was presented to the Chief Executive*
 - 2. All notes from meetings held between the chief executives in the EK partnership, discussing the future of ICT from 1st June to date. Please be sure to check the Chief Executive's diary particularly on and around*
 - a. 18th July 2019*
 - b. 31st July 2019*
 - c. 6th or 7th August 2019*
 - 3. All notes from digital team meetings discussing the same, since June 1 2019*
 - 4. Please confirm who is conducting the review, and provide the Terms Of Reference and timescale for the review."*
6. The Council acknowledged the request on the same day but had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 26 October 2019 to complain about the failure, by the Council, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the Council on 13 November 2019 to highlight the outstanding response. She requested that the Council respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The complainant contacted the Commissioner on 13 February 2020 to request a decision notice considering the Council's compliance with the FOIA.
10. The scope of this notice and the following analysis is to consider whether Council has complied with section 10 of the FOIA.

Reasons for decision

11. 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.*

12. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

14. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

15. From the evidence presented 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 of the FOIA.

Right of appeal

16. 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

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

17. 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.
18. 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

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