

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 October 2020

Public Authority: London North Eastern Railway

Address: East Coast House
25 Skeldergate
York
YO1 6DH

Decision (including any steps ordered)

1. The complainant has requested the minutes of a particular meeting from London North Eastern Railway ('LNER'). At the date of this notice, LNER has not provided a response to the request.
2. The Commissioner's decision is as follows:
 - LNER has breached section 10(1) of the FOIA as it has not provided a response to the request within the required 20 working days.
3. The Commissioner requires LNER to take the following step to ensure compliance with the legislation:
 - Provide a response to the complainant's request of 29 July 2020 that complies with the FOIA.
4. LNER must take this step 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

5. On 29 July 2020, the complainant wrote to LNER through the 'WhatDoTheyKnow' website and requested information in the following terms:

"Please can you disclose the minutes of meeting hosted by the Rail Delivery Group on 17 October 2018 at which the matter of funding of the Rail Ombudsman Service was discussed."

6. The complainant did not go on to receive a response and contacted the Commissioner.
7. The Commissioner wrote to LNER on 9 September 2020, sending her correspondence to LNER's published 'foi' email address. Since there was no evidence that LNER had received the request she instructed LNER to provide a response to the request within 20 working days. The Commissioner has not received any correspondence from LNER.
8. On 10 October 2020 the complainant advised the Commissioner that he still had not received a response to his request.

Scope of the case

9. The complainant first contacted the Commissioner on 28 August 2020 to complain about the way his request for information had been handled.
10. The Commissioner's investigation has focussed on LNER's obligation under section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance

11. Under section 1(1) of the FOIA anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have the information communicated to him or her if it is held and is not subject to an exemption.
12. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.

13. The complainant submitted his request to LNER on 29 July 2020 and to date has not received a response. The Commissioner must find that LNER has breached section 10(1) with regards to this request.

Right of appeal

14. 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

15. 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.
16. 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

Pamela Clements
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF