

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 November 2022

Public Authority: Selby District Council

Address: Civic Centre
Doncaster Road
Selby
North Yorkshire
YO8 9FT

Decision (including any steps ordered)

1. The complainant requested information from Selby District Council ("the Council") relating to information about the Council's complaints procedure and a planning appeal. The Council disclosed some information to the complainant, however this was not disclosed within the 20 working day time limit as set out in section 10(1) of FOIA.
2. The Commissioner's decision is that the Council has not complied with sections 1(1)(b) and 10(1) of FOIA.

Request and response

3. On 11 January 2021 the complainant made the following request to the Council:-
 - 1) Is any publicity given to any conclusions resulting solely from the Council's Corporate Complaints Policy e.g. reporting to a Public Council Committee Meeting?

- 2) What is the procedure if a complaint is made about you as Chief Executive?
- 3) Who was the officer that prepared the Council's Written Representations Statement submitted to the Planning Inspectorate for this appeal in connection with the above planning application?
4. The Council acknowledged the complainant's request on 13 January 2021 and stated that the Council would respond promptly. The Council responded on 8 February 2021.

Scope of the case

5. The complainant contacted the Commissioner on 13 May 2021 to complain about the way their request for information had been handled. They stated that the Council had not responded 'promptly' although it had responded within 20 working days. They also stated that only Question 3 of their request had been answered properly.
6. The Commissioner has considered the Council's handling of the complainant's request.

Reasons for decision

Section 1 of FOIA

7. Section 1(1) of FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.

Section 10 of FOIA

8. Section 10(1) of FOIA states that on receipt of a request for information, a public authority should respond to the applicant within 20 working days. The complainant submitted his request on 11 January 2021 and did not receive the information he requested (apart from that under Question 3) until 16 April 2021.
9. As the Council did not disclose all the information it held within the scope of the complainant's request to the complainant in response to his original request it has therefore breached sections 1(1)(b) and section 10(1) of FOIA.

Other matters

10. The Commissioner's guidance states that the obligation to respond promptly means that an authority should comply with a request as soon as is reasonably practicable. Whilst this is linked to the obligation to respond within 20 working days, it should be treated as a separate requirement. A public authority will therefore need to both respond promptly and within 20 working days in order to comply with section 10(1).
11. Public authorities should regard the 20 working day limit as a 'long stop', in other words the latest possible date on which they may issue a response. It also follows that a public authority which provides its response close to, or on, the final day of the 20 working day limit ought to be able to both account for, and justify, the length of time taken to comply with the request.
12. The complainant considered that a response to their request should have been provided well before the end of the 20 working day time limit. Following correspondence from the Commissioner the Council stated that it considered its response to be prompt as it was being dealt with by a member of staff dealing with an extremely high volume of work compounded by the Covid-19 pandemic.
13. The Commissioner is understanding of the delays incurred by public authorities during the pandemic. However, the Commissioner expects public authorities to ensure that the responses they provide to information requests are clear, accurate and timely and trusts that the Council will continue to ensure this.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Deirdre Collins
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF