

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

### **Decision notice**

**Date:** 3 November 2022

**Public Authority:** Swansea Council

**Address:** [freedomofinformation@swansea.gov.uk](mailto:freedomofinformation@swansea.gov.uk)

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

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1. The complainant requested information from Swansea Council ("the Council") about payments made to suppliers of Health and Social Care in the borough. The Council provided a partial response, providing a link and stated the information was available online, which they failed to do within 20 working days. The Council also failed to provide an internal review to the complainant, after their dissatisfaction with the Council's response.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA, in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
  - the Council must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council 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

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5. On 18 August 2021, the complainant wrote to the Council and requested information in the following terms:

"As in the past, I would like to make an FOI request for all payments to suppliers who provided a service in Health and Social Care from Jan-June 2021. As a minimum, please make sure to include the date, value and recipient of each transaction. Please also provide details on the procurement category of each transaction if you have it & any additional descriptors.

This would include all suppliers falling under the categories :-

1. Children's services - Fostering & adoption (including payments made to independent fostering agencies and for in-house fostering), residential care, SEN (special education services)
2. Adult & elderly services - Residential/nursing care, domiciliary & supported living, care at home providers
3. Providers who carry out homeless services

In particular I am looking for itemized transactions for these suppliers - preferably in CSV format. I look forward to the information at the earliest."

6. On 8 October 2021, the Council provided a link to the What Do They Know website and stated:

"you will be able to get the information you are looking for on that website within the contracts register. If you scroll down on the website, the register is around the 12th entry."

7. Despite the complainant's clear dissatisfaction with the Council's response and chasers over several months as well as intervention of the Commissioner, a substantive response has not been received.

## Scope of the case

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8. The complainant contacted the Commissioner on 6 February 2022 to complain about the Council's failure to respond to their request.
9. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

## Reasons for decision

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10. Section 1(1) of 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."*

11. Section 10(1) of 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"*.
12. On 19 October 2022, the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
13. Despite this intervention the Council failed to respond to the complainant.
14. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days.

**Right of appeal**

15. 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](mailto:grc@justice.gov.uk)

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

16. 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.
17. 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**