

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

Date: 13 May 2010

**Public Authority:** Bolton Council  
**Address:** Town Hall  
Civic Centre  
Bolton  
Lancashire  
BL1 1RU

### Summary

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On 02 January 2010 the complainant contacted Bolton Council requesting information relating to external companies who may provide or have provided accounting and auditing services to the Council. The Council provided the complainant with a response on 18 February 2010. The complainant contacted the Commissioner to complain about the delay involved in the public authority's handling of the request. The Commissioner finds the Council to be in breach of section 10(1) of the Act in failing to respond to the request within the statutory time period of 20 working days.

### The Commissioner's Role

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

### The Request

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2. On 02 January 2010 the complainant contacted the public authority to request the following information:

*"Please advise me the following information relating to external companies who may provide or have provided services to the Council.*

*Does the Council use the services of any external company regularly or from time to time for either accountancy or auditing activities? If so, please advise me the name(s) of such companies and, for each as applicable, whether they provide their services on a regular basis and, in the event that such services have been on a single or infrequent occasion, the most recent date when they did so.*

*In each case, if any, please state in brief terms the activity for which the company was engaged."*

3. On 18 February 2010 the public authority responded to the complainant, providing the requested information.

## **The Investigation**

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### **Scope of the case**

4. On 19 February 2010 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the delay in the public authority responding to his request.

### **Chronology**

5. On 11 March 2010 the Commissioner wrote to the public authority to make the Council aware of his investigation. He reminded the authority of its obligations under the Act and provided guidance on relevant procedural matters.
6. On 11 March 2010 the Commissioner also wrote to the complainant to detail the scope of his investigation.
7. On 11 March 2010 the complainant wrote to the Commissioner requiring further clarification on any sections of the Act that may have been breached by the public authority.
8. On 22 March 2010 the Commissioner responded to the complainant providing details of which sections had been breached, the Commissioner's Enforcement Strategy and a link to the Freedom of Information Act in full.
9. On 22 March 2010 the public authority responded to the Commissioner. The Council acknowledged and apologised for the delay in responding to the request. The Council noted the guidance provided

in previous correspondence and assured the Commissioner it would meet its statutory obligations in the future.

10. On 23 March 2010 the complainant contacted the Commissioner dissatisfied with an informal resolution and asked him to issue a Decision Notice.

## Analysis

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### Procedural Requirements

11. Section 10(1) (full wording in legal Annex) of the Act states:

*"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."*

The public authority failed to comply with the statutory time frame of 20 working days as set out within the provision of section 10(1) of the Act by providing a response to the complainant 35 working days after receipt of the request.

### The Decision

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12. The Commissioner's decision is that the public authority did not deal with the request for information in accordance with the Act. The Commissioner finds the Council to be in breach of section 10(1) of the Act.

### Steps Required

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13. The Commissioner requires no steps to be taken.

## Right of Appeal

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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,  
Arnhem House,  
31, Waterloo Way,  
LEICESTER,  
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: [informationtribunal@tribunals.gsi.gov.uk](mailto:informationtribunal@tribunals.gsi.gov.uk).

Website: [www.informationtribunal.gov.uk](http://www.informationtribunal.gov.uk)

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.

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is sent.

**Dated the 13<sup>th</sup> day of May 2010**

**Signed .....**

**Gerrard Tracey  
Principal Policy Adviser**

**Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

## Legal Annex

### General Right of Access

**Section 1(1)** provides 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."

### Time for Compliance

**Section 10(1)** provides that –

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."