

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 August 2013

Public Authority: Welsh Assembly Government
Address: Cathays Park
Cardiff
CF10 3NQ

Decision (including any steps ordered)

1. The complainant requested information regarding the qualified person in respect of section 36 of the FOIA and regarding a particular report. The Welsh Government did not respond within the statutory time for compliance however following the Commissioner's intervention it subsequently provided the information to the complainant.
2. The Commissioner's decision is that in providing the requested information after 20 working days, the Welsh Government failed to comply with section 10(1) of the FOIA.
3. As the information has now been provided, the Commissioner does not require the Welsh Government to take any steps.

Request and response

4. On 18 December 2012, the complainant wrote to the Welsh Government and requested the following information:

"...can you please confirm the name of the individual referred to as the 'qualified person' who is responsible for preventing Freedom of Information requests from being answered in full regarding the Chris Munday Report...."
5. Although the Welsh Government wrote to the complainant on 16 January 2013 it did not address his request for information outlined above. However, following intervention from the Commissioner the Welsh Government provided a full response on 24 May 2013.

Scope of the case

6. The complainant contacted the Commissioner on 8 April 2013 to complain about the lack of response to his request for information.
7. Following receipt of the Welsh Government's response to his request for information, the complainant confirmed that although he is satisfied with the response now received, he would like the Commissioner to issue a decision notice to record the Welsh Government's delay in providing him with the requested information. The Commissioner therefore considers the scope of this notice is to record a breach of section 10 of the FOIA.

Reasons for decision

Section 10(1)

8. Section 10 of the FOIA states 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.
9. The Commissioner notes that the complainant submitted his request on 18 December 2012 and did not receive a response until 24 May 2013 and only after his intervention. The Welsh Government clearly therefore breached section 10(1) of the FOIA in its handling of this request for information.

Right of appeal

10. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

11. 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.
12. 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

Anne Jones
Assistant Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF