

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

### **Decision notice**

**Date:** 23 January 2014

**Public Authority:** Oxford City Council  
**Address:** St. Aldates Chambers  
St. Aldates  
Oxford  
Oxfordshire  
OX1 1DS

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

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1. The complainant made a request for information to Oxford City Council (the council) in the form of 30 questions.
2. The Commissioner's decision is that the council has, on the balance of probabilities, provided all the information it holds within the scope of the request.
3. The Commissioner has also determined that the council has breached section 10(1) of the FOIA as it did not provide the information within the required 20 working days.
4. As the council has now provided the information, the Commissioner does not require the council to take any steps. However, he does expect the council to take note of the timeframe in which it took to provide all of the information to the complainant, that being over 14 months.

#### **Request and response**

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5. On 10 September 2012, the complainant wrote to the council and requested information in the form of 30 questions.
6. The council acknowledged receipt of the request on 11 September 2012 and responded on the 10 October 2012 stating that it believed the questions were seeking an opinion from an officer rather than recorded information and asked the complainant to refine his request.

7. The complainant rephrased questions 6, 7 and 18 on the 15 October 2012.
8. The complainant complained to the Commissioner on the 8 December 2012 as no response had been received from the council.
9. Following contact from the Commissioner the council provided a response on the 13 May 2013.
10. On the 10 June 2013, the complainant requested an internal review and advised the council that he was not satisfied with several of the responses.
11. The complainant complained to the Commissioner on 6 August 2013 that the council had not responded to his 10 June 2013 internal review request.
12. The Commissioner contacted the council and the council provided an internal review response providing further information on 7 October 2013.
13. The complainant then advised the Commissioner that he still considers the council has not provided all the information it holds with regards to questions 27 to 30.
14. Following further investigation from the Commissioner the council provided more information to the complainant on 23 December 2013 in relation to questions 27-30. The council advised that it has now provided all the information it holds within the scope of the request.

### **Scope of the case**

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15. The complainant has advised the Commissioner that he is not satisfied that the council has provided all the information it holds. He identified that it was questions 27-30 where there could be further information.
16. The Commissioner considers the scope of the case is to determine whether the council has now provided the complainant with all the information that it holds. Specifically for questions 27 - 30 of the request. "*See Annex 1*".

### **Reasons for decision**

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17. Section 1 of the FOIA states that any person making a request for information is entitled to be informed by the public authority whether it

holds the information and if so, to have that information communicated to him.

18. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities. The Commissioner must decide whether on the balance of probabilities the public authority holds any further information which falls within the scope of the request (or was held at the time of the request).
19. The Commissioner therefore asked the council to revisit the request and provide details of how it manages records and the searches it has carried out to locate the information sought.
20. The council advised that the documents that relate to information covered in the complainant's questions 27-30, which are in relation to [address redacted] would be held in electronic files and so the relevant case files for that address were searched. These searches were based on a check of information recorded in its logging systems and its filed scanned documents.
21. The council has advised the Commissioner that it initially searched in its Environmental Development and Housing and City Development (Planning Policy team).
22. The council state from further checks on the Environmental Development's system it located a planning enforcement case in relation to [address redacted]. The Planning Enforcement team was then contacted and the documents held by that department were provided.
23. The council state that as far as it is aware, no information within the scope of the request has been deleted or destroyed.
24. The council advise that these are the departments that would be responsible for holding the information within the scope of the request.
25. As the council has searched the relevant files of [address redacted] in each of the departments that would hold the requested information it has confirmed it does not hold any other information other than what it has now supplied to the complainant.
26. On consideration of the searches conducted by the council in the relevant case files for [redacted address] in the departments that it states would hold the requested information, the Commissioner has determined that, on the balance of probabilities, the council does not hold any further information which would fall within the scope of the

request. He therefore finds that the council has complied with section 1(1) of the FOIA in that it has now provided the information it holds.

### **Section 10(1) of the FOIA**

27. Section 10(1) of the FOIA states that:

*"...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."*

28. Therefore a public authority must provide the information it holds to the person requesting it within 20 workings days of receiving the request.
29. The complainant made his request on 10 September 2012 and the council asked him to clarify his request on the 10 October 2012. The complainant did this on 15 October 2012.
30. The council did not provide a response until 13 May 2013, almost 7 months after the complainant clarified his request, and it did not provide all the information it held until 23 December 2013, some 14 months after the complainant clarified his request.
31. Therefore the Commissioner finds that the council has breached section 10(1) of the FOIA as it provided the information outside the required 20 workings days.

## Right of appeal

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32. 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: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

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

33. 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.
34. 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 .....**

**Andrew White**  
**Group Manager – Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**

Annex 1. Complainant's information request 10 September 2012, questions 27 – 30:

*27- Oxford City Council has carried out an inspection of [address redacted] on 11/11/11, Please forward any notes, image, reports, documentation, records gathered subsequent to that visit, to date.*

*28- Oxford city Council has carried out an inspection [address redacted], on 29/11/11, Please forward any notes, image, reports, documentation, records gathered in connection to that visit to date.*

*29- Any notice, order, permission, permit, warning, notification, licence, certificate, control and like; and any letter to those effects issued in connection with property at [address redacted] ( no matter if it relates to the Building, yard, outbuilding, dwelling, shed, flat, or like), from June 2000 to June 2011.*

*30- Any letter prohibiting or demanding measure(s) to be taken, specific requirements to be satisfied and like in connection with. [address redacted] ( no matter if it relates to the Building, yard, outbuilding, dwelling, shed, flat, or like), from July 2000 to July 2011."*