

**FREEDOM OF INFORMATION ACT 2000 (SECTION 50)**

**DECISION NOTICE**

**Dated** **2005**

**Name of Public Authority:** Bridgnorth District Council  
Westgate  
Bridgnorth  
WV16 5AA

**Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 17<sup>th</sup> February 2005 the following information was requested from Bridgnorth District Council under the Freedom of Information Act 2000 (the "Act"):

A copy of the transcript of the case *R-v-Tonkinson & Others*, heard in Wolverhampton Crown Court sitting at the Waterfront in Dudley.

The complainant alleges that:

1. Bridgnorth District Council failed to provide details of their procedure for dealing with complaints about the handling of requests for information in their notice of refusal dated 23<sup>rd</sup> February 2005.
2. In refusing to provide the information requested the Council has misapplied the exemption in section 32 (1) (c) of the Act.

**The Commissioner's Decision**

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner has a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

1. In failing to provide details of the internal complaints procedure within the notice of refusal dated 23<sup>rd</sup> February 2005 the Bridgnorth District Council has contravened the requirements of section 17(7)(a) of the

Act. This states that a notice under subsection (1), (3) or (5) “must contain particulars of any procedure provided by the public authority for dealing with complaints about the handling of requests for information or state that the authority does not provide such a procedure”.

2. The exemption in section 32 has been correctly applied to the information requested. The Information Commissioner considers that the information is exempt under section 32 (1) (c). Section 32 (1) (c) states that “information held by a public authority is exempt information if it is held only by virtue of being contained in any document created by a court or a member of the administrative staff of a court for the purposes of proceedings in a particular cause or matter”.

Section 2 (3) (c) states that section 32 is an absolute exemption and therefore is not subject to the public interest test.

### **Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 277
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

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

Dated the        day of        2005

Signed: .....

Richard Thomas  
Information Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF