

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 10th October 2005.

Name of Public Authority: Blythe Bridge High School

Address of Public Authority: Cheadle Road
Blythe Bridge
Staffordshire
ST11 9PW

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 3rd January 2005 the following information was requested from Blythe Bridge High School under section 1 of the Freedom of Information Act 2000 (the "Act"):

- Documentation between the school the Governors and the LEA regarding his daughter the most urgent being;
- Correspondence between any member of the school and the mother of the child in question.
- Correspondence between any member of the school and the School Governors.
- Correspondence between any member of the School and the LEA.
- Documents passed between and/or held on file by any members of the school.

It is alleged that;

1. The school did not provide all the information requested.
2. The school failed to respond to the request within 20 working days.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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 their letter to the complainant dated the 28th February 2005 but received on the 17th March 2005, the school confirmed that it held no specific correspondence. Copies of all other documentation containing the remainder of the requested information held by the school was provided. Although some of the information requested may have been personal data under section 40(1) of the Act and therefore Blythe Bridge High School could have used this exemption, the school did not and in providing the information, it complied with its duties under section 1(1) of the Act. Section 1(1) of Part I of the Act states:

“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.”

The Commissioner has been assured by Blythe Bridge High School that all the information that they hold in relation to this request has been released to the Complainant. The Commissioner is satisfied with the assurances given by Blythe Bridge High School and consequently considers that the complainants' request has been dealt with in accordance with Part I of the Act.

(2) In responding to the complainants request made on the 3rd January 2005, by letter dated 28th February 2005, more than 20 working days after the request was made, the Commissioner finds that the school breached section 10(1) of the Act. Section 10(1) 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.”

This is the case, even if the school had maintained the section 40(1) exemption referred to in paragraph (1) above, as a response by way of a refusal notice would still have been required in that time period.

Action Required

The Commissioner recognises that Blythe Bridge High School did respond to the complainant's request in a letter dated 28th February 2005 but received by the complainant on the 17th March 2005.

In view of these matters the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by the Blythe Bridge High School.

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 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
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 10th day of October 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF