

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

**DECISION NOTICE**

**Dated: 9<sup>th</sup> June 2005**

**Name of Public Authority:** The Governing Body of West Cheshire College

**Address of Public Authority:** Chester Campus  
Handbridge Centre  
Eaton Road  
Handbridge  
Chester CH4 7ER

**Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 18<sup>th</sup> February 2005 the following information was requested from West Cheshire College under the Freedom of Information Act 2000 (the "Act"):

"The deeds and stated covenants relating to the intended move of the West Cheshire College from Handbridge to Chester Northgate."

The above request was delivered to the College by hand on 18<sup>th</sup> February 2005.

It is alleged that West Cheshire College failed to respond to the complainant's request within twenty 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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner has a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and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.

Section 1(1) 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."

Section Section 10(1) 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.”

By virtue of section 17 of the Act, where a public authority is to any extent relying on a claim that any of the exemptions in Part II apply to the request it must, within the time for complying with section 1(1), give the applicant a notice which -

- (a) states that fact,
- (b) specifies the exemption in question,
- (c) states (if that would not otherwise be apparent) why the exemption applies.
- (d) contain particulars of any procedures 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, and
- (e) contains particulars of the right conferred by section 50 to apply to the Commissioner for a decision as to whether a request for information has been dealt with in accordance with the requirements of Part I of the Act.

The Commissioner’s decision in this case is that West Cheshire College has not dealt with the complainant’s request in accordance with the requirements of Part I of the Act in that it has failed to either comply with section 1(1) or section 17 within the time limit set out in section 10(1).

### **Action Required**

The Commissioner understands that the complainant has now been informed by letter dated 4<sup>th</sup> May 2005 from West Cheshire College that the information sought is held by the Land Registry. In view of this, no further action is required to be taken by West Cheshire College in relation to the complainant’s request.

### **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  
Arnhem House Support Centre  
PO Box 6987  
Leicester  
LE1 6ZX

Tel: 0845 6000 277  
Fax: 0116 249 4253  
Email: [informationtribunal@dca.gsi.gov.uk](mailto:informationtribunal@dca.gsi.gov.uk)

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 9<sup>th</sup> day of June 2005

Signed: .....

Graham Smith  
Deputy Commissioner

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