



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

### **DECISION NOTICE**

**Dated 22 March 2006**

**Name of Public Authority:** City of Lincoln Council  
**Address of Public Authority:** City Hall  
Beaumont Fee  
Lincoln  
LN1 1DD

### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint from the above person (the "complainant") which states that on 3 January 2005 the following information, about the complainant's property, was requested from City of Lincoln Council under section 1 of the Freedom of Information Act 2000 (the "Act"):

"...information on the method of construction of a council built (1950's) property and its subsequent upgrade to meet building standards."

It is alleged that:

The information requested was not provided in full.

### **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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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:

The Council responded to the complainant's request on 11 January 2005. The Council has confirmed to the complainant that this response provided all information held about the complainant's property and has since re-confirmed this following the intervention of the Information Commissioner. The Commissioner has noted particularly the comment of the Council that the

complainant's property was last owned by the Council in 1984. As the Council has not owned the property in question since 1984, it seems reasonable that they would no longer hold any information relating to this property.

There is no evidence available to the Commissioner that would suggest that the Council has withheld relevant information from their response to the complainant's information request. Consequently, the decision of the Commissioner is that the Council have dealt with the request in accordance with the requirements of Part I of the Act in that they have complied with section 1(1).

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.”

### **Action Required**

In view of these matters the Commissioner does not require any remedial steps to be taken by City of Lincoln Council.

### **Failure to comply**

Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

### **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: <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.

**Reference: FS50081142**

Dated the 22 day of March 2006

Signed: .....

Phil Boyd  
Assistant Commissioner

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