

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

**Date: 10 September 2007**

**Public Authority:** Isle of Wight Council  
**Address:** County Hall  
High Street  
Newport  
Isle of Wight  
PO30 1UD

### Summary

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The complainant requested information from the public authority on the amount of money allocated to a particular project. The public authority responded that it did not hold the information on all three elements of the request. The Commissioner found that the public authority did in fact hold the information on one element of the request, which the public authority subsequently provided to the complainant. However, this was not done within 20 working days of the request and so the Commissioner found that section 10(1) of the Freedom of Information Act (the Act) had been breached. The Commissioner was satisfied that the public authority did not hold the information on the two remaining elements of the request and had therefore complied with section 1(1) of the Act.

### The Commissioner's Role

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Act. This Notice sets out his decision.

### The Request

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2. On 26 September 2006, the complainant made the following request to the public authority about the National Land and Property Gazetteer (NLPG):
  - A) The amount of money the public authority has spent to date on the NLPG project
  - B) The amount of money the public authority plans to spend on the NLPG
  - C) The amount of money the public authority received from Central Government to fund the NLPG

3. On 4 October 2006, the public authority issued a response to the complainant informing him that it did not hold any information in response to the request.
4. On 24 October 2006, the complainant wrote to the public authority stating that he was unhappy with the response as he had previously been supplied with information from the public authority.
5. On 31 October 2006, the public authority wrote to the complainant confirming that the project, the subject of the information he had previously received, had ended and no formal budget had since been allocated to a new project.

## The Investigation

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### Scope of the case

6. On 12 October 2006 the complainant contacted the Commissioner to complain about the way his request for information had been handled. On 16 April 2007, the Commissioner sought clarification from the complainant on the scope of his complaint. On 17 April 2007, the complainant clarified that he wished the Commissioner to consider the following point:
  - The public authority had incorrectly informed the complainant that the information was not held

### Chronology

#### 19 April 2007

7. On 19 April 2007, the Commissioner wrote to the public authority to ask whether it held the information requested.

#### 1 May 2007

8. The public authority informed the Commissioner that it had supplied the complainant with the amount of money spent on the NLPG project in a letter dated 14 April 2005.
9. The public authority informed the Commissioner that no information was held in response to element B of the request. It confirmed that the NLPG project had been halted, but was in the process of being started. The public authority confirmed that the information would be available once formal approval had been received for the project.
10. The public authority confirmed to the Commissioner that it had received no funding from central government in relation to element C of the request.

**8 May 2007**

11. On 8 May 2007, the Commissioner wrote to the public authority asking it to confirm whether the information provided to the complainant on 14 April 2005 was still held when the response to the current request was issued on 4 October 2006.

**21 May 2007**

12. On 21 May 2007, the public authority informed the Commissioner that it's Highways Department, which received the request, did not hold any relevant information in response.

**12 June 2007**

13. In a telephone call of 12 June 2007, the Commissioner asked the public authority to clarify whether it held information when issuing its response of 4 October 2006 to the complainant. The public authority confirmed to the Commissioner that the information provided to the complainant on 14 April 2005 was still held when its response was issued. It explained that the specific department (Highways) issuing the response was not aware that the information was held by the public authority at the time.

14. The Commissioner followed up the telephone call by writing to the public authority on 12 June 2007. He asked the public authority to confirm to the complainant whether it held the requested information and, if so, provide it to him.

**21 June 2007**

15. The public authority wrote to the complainant providing the following revised response to the request of 26 September 2006.

16. The public authority informed the complainant that it had spent £48,492.63 to date on the NLPG project (element A of request). It confirmed that this information was held when the response of 4 October 2006 was issued and admitted the response was incorrect in stating that no information was held.

17. The public authority informed the complainant that, when issuing its response to the request on 4 October 2006, the public authority had no plans to spend any money on the NLPG, as the project had been halted. It added that a business case was currently being prepared for the project to be resumed (element B of request).

18. The public authority informed the complainant that it had received no funding from Central Government to fund the NLPG and therefore did not hold any information in response to this element of the request (element C of request).

## Analysis

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### Element A of request

19. On 4 October 2006, the public authority informed the complainant that it did not hold the information on the amount of money spent on the NLPG project. Following the Commissioner's intervention, the public authority informed the complainant on 21 June 2007 that its initial response was incorrect and that it did in fact hold the information.

### Element B of request

20. The public authority informed the Commissioner that no information was held on the future spending of the NLPG project. It had no plans to spend any money on the NLPG when the response of 4 October 2006 was issued, as the project had been halted. It also informed the Commissioner that a business case was currently being prepared for the project to be resumed.
21. In view of the above, the Commissioner is satisfied that the public authority did not hold any information in response to this element of the request.

### Element C of request

22. The public authority confirmed to the Commissioner that it had received no funding from central government for the NLPG. The Commissioner accepts this point and is therefore satisfied that the public authority did not hold any recorded information in response to this element of the request.

## The Decision

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23. The Commissioner's decision is that the public authority dealt with the following elements of the request in accordance with the requirements of the Act:
- The public authority informed the complainant that it did not hold information in response to elements B and C of the request in accordance with section 1(1)<sup>1</sup> of the Act
24. However, the Commissioner has also decided that the following element of the request were not dealt with in accordance with the Act:
- The public authority did not inform the complainant that it held the information in response to element A of the request within 20 working days and therefore breached section 10(1)<sup>1</sup> of the Act

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<sup>1</sup> See legal annex for relevant extract of legislation

## Steps Required

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25. The Commissioner requires no steps to be taken.

## Right of Appeal

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26. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal  
Arnhem House Support Centre  
PO Box 6987  
Leicester  
LE1 6ZX

Tel: 0845 600 0877  
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 calendar days of the date on which this Decision Notice is served.

**Dated the 10<sup>th</sup> day of September 2007**

**Signed .....**

**Gerrard Tracey  
Assistant Commissioner**

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

**Section 1(1)** provides that -

“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 10(1)** provides that –

“Subject to subsections (2) and (3), 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.”