

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 November 2011

Public Authority: Wirral Borough Council
Address: Town Hall
Brighton Street
Wallasey
Wirral
Merseyside
CH44 8ED

Decision (including any steps ordered)

1. The complainant requested information about the number of compromise agreements entered into, and the reasons for those agreements. The request was initially refused under section 12 of Freedom of Information Act 2000 [the Act] however following the intervention of the Commissioner all of the requested information was subsequently provided.
2. The Commissioner's decision is that Wirral Borough Council [the council] has supplied the complainant with all of the requested information. The information was not supplied within 20 working days and therefore the council has breached section 10.
3. The Commissioner does not require the council to take any further action.

Request and response

4. On 1 January 2011, the complainant wrote to the council and requested information in the following terms:

Please supply totals for the following:

Since the inception of Wirral Borough Council, or as far as records go back, the annual figures for the total number of current

employees or ex-employees of Wirral Borough Council who have signed compromise agreements directly related to the resolving of dispute(s) / grievance(s) / internal and external investigation(s) / whistleblowing incident(s).

In addition to this, annual figures for the number of current employees / ex-employees who have agreed, following the matter being raised and made conditional as part of a compromise agreement drawn up by Wirral Borough Council's legal team, to forgo their right to approach the council in the future with Freedom of Information and/or DPA Subject Access requests under the relevant Acts.

Please note that I do not seek or require any personal information such as names and addresses – only the total figures for each subject area.

5. The council responded on 31 January 2011. The council refused to provide the requested information on the basis of the exemption contained at section 12 – costs limit.
6. Following an internal review the council wrote to the complainant on 31 March. The council upheld its initial refusal.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant initially complained about the application of section 12, however all of the requested information was provided to the complainant as a result of the Commissioner's initial investigation. Therefore this complaint now focuses only on section 10.

Reasons for decision

8. Section 10(1) of the Act provides that a public authority should comply with section 1(1) within 20 working days. Section 1(1) requires a public authority in receipt of a request to confirm whether it holds the requested information, and if so, disclose it to the applicant.
9. The request was submitted on 1 January 2011, and the council did not disclose the information until 27 October 2011. Consequently the Commissioner finds that the council has breached section 10(1) of the Act.

Right of appeal

10. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

11. If you wish to appeal against a Decision Notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
12. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Signed

Andrew White
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF