

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 April 2012

Public Authority: Chelmsford Borough Council
Address: Civic Centre
Duke Street
Chelmsford
CM1 1JE

Decision (including any steps ordered)

1. The complainant requested Chelmsford Borough Council (the council) for information relating to a Royal Society for the Prevention of Accidents (RoSPA) report.
2. The Commissioner's decision is that the council did not deal with the request for information in accordance with the FOIA as it failed to provide a response to the request within the statutory time frame of 20 working days.
3. As a response has now been provided, the Commissioner requires no steps to be taken.

Request and response

4. On 15 December 2010, the complainant wrote to the council and requested information in the following terms:

"When was this report completed by Rospa and what was the payment date and the amount paid please?

To prevent recurrence (sic) previous park services confusion it is the review that park services did not know had taken place.

This was until proof was given and details of some of the content of this report such as lifebelt removal and growing vegetation on the river bank to prevent accidents etc was given in emails to various parties in February this year...

5. The complainant received no response and requested a review on 11 March 2011 to which he also appears to have had no response.

Scope of the case

6. The complainant contacted the Commissioner to complain about the council's failure to respond to his request.
7. After an intervention from the Commissioner, the council responded to the complainant on 4 January 2012. It stated that the complainant's request had already been met. However, it provided the completion date of the report, the payment date and the amount paid.
8. The Commissioner wrote to the complainant explaining that he would not take forward certain aspects of his complaint because it asked for opinion and did not meet the criteria for a request under the FOIA. He then wrote to the council asking it to provide a chronology concerning the responses it had made to his freedom of information request, as stated in paragraph 7.
9. On 29 March 2012, the council explained that it had been incorrect in stating that it had responded previously regarding this request for information. It copied the Commissioner into a response to the complainant that contained an apology for delays and shortcomings in its procedural handling of this request and others from the same complainant. The council explained that it was reviewing its procedures and policies in an attempt to meet its statutory obligations more effectively in the future.

Reasons for decision

10. Section 10(1) of the FOIA states that a public authority in receipt of a request for information has a duty to respond within 20 working days.
11. From the information provided to the Commissioner in this case it is evident that the council did not respond to the complainant within the statutory time frame.

Right of appeal

12. 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

13. 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.
14. 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
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