

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 April 2012

Public Authority: Royal Borough of Kingston upon Thames
Address: Guildhall
High Street
Kingston upon Thames
KT1 1EU

Decision (including any steps ordered)

1. The complainant requested the agendas and minutes of meetings of the meetings of the strategic leadership team. The complainant has not received a substantive response to this request. The Commissioner's decision is that the Royal Borough of Kingston upon Thames ('the Council') failed to respond to the request and therefore breached its obligations under section 10 of the FOIA. The Commissioner requires the Council to provide a substantive response to the complainant either disclosing the information or issuing a valid refusal compliant with section 17 of the FOIA.
2. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply 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.

Request and response

3. On 2 September 2011, the complainant wrote to the Council and requested information in the following terms:

"Please could you send me the agendas and minutes of all meetings of the council's strategic leadership team since January 1, 2011. I would like this information in electronic format."

4. The complainant wrote to the Council on 11 October 2011 regarding the fact he had not received a response to the request.

Scope of the case

5. The complainant contacted the Commissioner on 21 December 2011 to complain about the Council's failure to respond to his request for information.
6. The Commissioner wrote to the Council on 1 February 2012 reminding it of its obligations under the FOIA to respond to requests within 20 working days of receipt. The Commissioner asked the Council to respond within 10 working days.
7. On 24 April 2012 the complainant confirmed to the Commissioner that they had still not received a response from the Council.
8. The request in this case was made by an individual on behalf of a media organisation. The individual who made the original request is no longer employed by the company, but the organisation confirmed to the Commissioner on 24 April 2012 that they were still interested in receiving the information requested.

Reasons for decision

9. Sections 1 and 10 of the FOIA provide a general right of access to recorded information held by public authorities. These sections provide that when a written request for information is made, the public authority must state whether it holds that recorded information within 20 working days. If it does, it must provide that information within 20 working days unless a valid reason for not doing so exists under the FOIA. If such a reason does exist, a refusal notice should be issued in accordance with section 17 of the FOIA, again within 20 working days.
10. By failing to respond to the request at all, the Council breached section 10 of the FOIA.

Other matters

11. The Commissioner is particularly concerned at the delay experienced in this case. The request was submitted on 2 September 2011 and no response or acknowledgment has been issued. It also appears that the Council made no proactive attempts to keep the complainant informed

in relation to the ongoing delays. This is clearly not within the spirit or the letter of the FOIA and may be indicative of underlying issues that the Council needs to address such as inadequate resources or staff training. The Commissioner trusts that the Council will carefully consider this and ensure that it makes appropriate improvements in the future.

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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