

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 22 April 2013

**Public Authority:** Lancashire County Council  
**Address:** PO Box 78  
County Hall  
Fishergate  
Preston  
Lancashire  
PR1 8XJ

#### **Decision (including any steps ordered)**

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1. The complainant has requested information relating to the blocking of his email address by Lancashire County Council (the council) on a number of occasions in March and April 2012. The council failed to respond to a particular request made on 30 April 2012 within the time for compliance.
2. The Commissioner's decision is that the council has failed to comply with section 10 of the FOIA. He does not require the council to take any steps.

#### **Request and response**

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3. On 30 April 2012, the complainant wrote to the council and requested an internal review of his previous requests for information dated between 16 March 2012 and 12 April 2012. The council considered that the internal review request contained a new request for information and gave it the reference 812.531.
4. The complainant wrote to the council on 18 and 24 May 2012 and 8 June 2012 to ask it to confirm what part of his request for an internal review was being considered as a new request. The complainant did not receive an answer to his queries on this matter.

5. The council provided its full response to the internal review on 15 June 2012. It found that its previous response had been appropriate and also answered all the points and requests for information that had been raised in the internal review request.

## **Scope of the case**

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6. The complainant contacted the Commissioner on 9 August 2012 to complain about the way his request for information had been handled. In particular he was concerned that the council had not clearly identified which part of his internal review request was being considered as a new request, and therefore he complained that the council had not responded within the time for compliance.
7. The complainant made a number of requests to the council between 16 March and 12 April 2012 regarding the blocking of his email address. These requests, and the internal review to which this decision notice relates, have been considered by the Commissioner in his decision notice FS50459846<sup>1</sup>. The Commissioner found that on the balance of probabilities the council was correct to say that it did not hold any further information in respect of all the requests.
8. As the substantial part of the request here has already been considered in decision notice FS50459846, the Commissioner considers the scope of this case to be to determine whether the council complied with the procedural aspects of the FOIA in the way it handled the request it has referenced as 812.531.

## **Reasons for decision**

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9. Section 10 of the FOIA requires that an information request should be responded to within 20 working days of receipt.
10. The request 812.531 was contained within the request for an internal review dated 30 April 2012. The council did not provide its response to this until 15 June 2012. This is outside the 20 working days for a response to the part of the internal review which it had identified as a new request.

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<sup>1</sup> [http://www.ico.gov.uk/~media/documents/decisionnotices/2013/fs\\_50459846.ashx](http://www.ico.gov.uk/~media/documents/decisionnotices/2013/fs_50459846.ashx)

11. The Commissioner therefore finds that the council breached section 10 by not responding to the request 812.531 within the time for compliance.
12. The Commissioner has considered the nature of the parts of the request for an internal review which could be considered as requests for information and notes that they all ask for information which has been considered in full by the council and the Commissioner in the decision notice FS50459846. Therefore, the Commissioner does not make any further findings in respect of the content of the council's response to this request.

### **Other matters**

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13. The Commissioner notes that the council did not inform the complainant which specific part of his internal review request was being considered as a new request. He therefore reminds the council of the need to be clear about the content of new requests, particularly when they form part of ongoing correspondence about an issue.

## Right of appeal

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14. 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](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

15. 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.
16. 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**