

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 May 2013

Public Authority: Salford City Council
Address: Salford Civic Centre
Chorley Road
Swinton
Salford
M27 5AW

Decision (including any steps ordered)

1. The complainant has requested information relating to a purported contract between Salford City Council (the "council") and O2 ("request 1") and a copy of a Section 75 Partnership Agreement between the council and Greater Manchester West Mental Health NHS Foundation Trust ("request 2"). The council responded to request 1 and confirmed that the information was not held. The council responded to request 2, providing the complainant with some information and confirming that other information was not held.
2. The complainant asked the Commissioner to consider whether the council responded to request 2 and whether it issued a response to their request for internal review in relation to request 1. As it does not relate to compliance with Part I of the FOIA, the Commissioner has addressed the complaint about request 1 in the "other matters" section of this decision notice.
3. The Commissioner's decision is that the council responded to request 2 within 20 working days and complied with the duty under section 10(1) of the FOIA.
4. The Commissioner does not require the public authority to take any steps.

Request and response

5. On 20 August 2012, the complainant wrote to the council and requested information ("request 1") in the following terms:

"Please could you inform me of the value of the contract that O2, (the internet services provider) has/had with the relevant functional unit of Salford City Council for the provision, installation and possibly maintenance of the Wifi installation (non-transmitting) installed at Ingleside supported accommodation...."

6. On 15 October 2012, the complainant wrote to the council and made the following request for information ("request 2"):
7. *"...a copy of the section 75 partnership agreement between Salford City Council and the Greater Manchester West Mental Health NHS Foundation Trust and any other related documentation (within reason) which is specifically applicable to my home, which is known as Ingleside...."*
8. The council responded to request 1 on 6 September 2012 and confirmed that it did not hold the requested information.
9. On 12 September 2012 the complainant wrote to the council and asked it to conduct a review of its handling of request 1.

Scope of the case

10. On 15 November 2012 the complainant contacted the Commissioner to complain about the way his requests for information had been handled.
11. In relation to request 1, the complainant asked the Commissioner to investigate whether the council had failed to respond to their request for internal review. In relation to request 2, the complainant asked the Commissioner to investigate whether the council had failed to issue a response to the request.
12. The Commissioner contacted the council to advise it of the terms of the complaints. The council confirmed that it had issued a response to request 2 and provided the Commissioner with a copy of this response. The council further confirmed that it had issued a response to the complainant's request for internal review in relation to request 1 and provided the Commissioner with a copy of this also.
13. The Commissioner contacted the complainant and advised that, as it was apparent that the terms of their complaint (alleged non responses)

had been addressed, any decision notice would be likely to reflect this and would not identify any steps for the council to take. The complainant was provided with further copies of the relevant responses and was invited to withdraw their complaint to the Commissioner. The complainant confirmed that he did not wish to withdraw his complaint so the Commissioner has set out his conclusions in this decision notice.

14. In relation to request 1, as this does not identify a complaint about the council's compliance with Part I of the FOIA, the Commissioner has addressed this issue in the "other matters" section of this decision notice. The Commissioner has gone on to consider whether the council provided an appropriate response to request 2.

Reasons for decision

Request 2 – submitted 15 October 2012

15. The Information Commissioner considered whether the council has responded to request 2 in line with the provisions of the FOIA.
16. Section 10(1) of the FOIA requires that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
17. Request 2 was submitted by the complainant on 15 October 2012 and the council issued a response to the complainant on 2 November 2012.
18. As the council's response was sent within 20 working days of the date of receipt of the request the Commissioner has concluded that, in handling request 2, the council complied with section 10(1) of the FOIA.

Other matters

19. Although they do not form part of this decision notice the Commissioner wishes to note the following matters of concern.

Internal review

20. The code of practice issued under section 45 of the FOIA (the "code") recommends that public authorities should have a procedure for dealing with complaints about the handling of requests for information.

Paragraph 39 of the code advises that such complaints procedures or "internal reviews" should "...encourage a prompt determination of the complaint."¹

21. The Commissioner endorses the recommendations of the code and considers that internal reviews should generally be completed within 20 working days of their receipt by a public authority. In this case, the complainant's request for a review of the council's handling of request 1 was submitted on 12 September 2012 and the review response was issued on 30 November 2012, over 50 working days later.
22. The Commissioner considers that the council's practice in this case falls short of that recommended by the code. He advises it to ensure that, in future, its internal reviews are conducted in accordance with the code and with regard for the Commissioner's guidance.

¹ <http://www.justice.gov.uk/downloads/information-access-rights/foi/foi-section45-code-of-practice.pdf>

Right of appeal

23. 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

24. 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.
25. 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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