

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 May 2013

Public Authority: The City of York Council

Address: City of York Council
West Offices
Station Rise
York
Y01 6GA

Decision (including any steps ordered)

1. The complainant has requested all correspondence between all Council Officials, the Event Organiser and outside bodies in relation to the proposed Galtres Festival at the Rawcliffe Country Park being held in August.
2. The Commissioner's decision is that the City of York Council (council) has breached section 10 of the FOIA by not responding to the Information Request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Respond to the Information Request from the complainant.
4. 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 pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 19 February 2013, the complainant wrote to council and requested information in the following terms:

"I would like to request the following documents with regard to the above subject:

- a) E mails both internal and external with regard to the proposed event at Rawcliffe Country Park*
- b) Correspondence both internal and external*
- c) Meeting notes both internal and external where this issue was discussed."*

6. The council responded on 19 February 2013. It stated that

" I acknowledge receipt of your request, however I am not sure what you are referring to. Would you please give me more information regarding the proposed event so that I can ascertain who would be best to respond to you."

To which the complainant responded on 19 February 2013:

"The request for the documentation relating to the proposed Galtres Festival at the Rawcliffe Country Park which is to be held in August. All the correspondence indicated between Council Officials both internally and externally and any correspondence between Council Officials and the Event Organiser and any correspondence between Council Officials and outside bodies in relation to the organisation in relation to safety or security of the named event.

This to include all the documentation named in my original e mail

Hope this is what you require, I am aware meeting, have taken place and other bodies have been contacted with regard to this event, I cannot be more precise than this at this time."

7. The complainant has received no answer to the Information Request and has not been able to get an answer in regards to an internal review.

Scope of the case

8. The complainant contacted the Commissioner 5 April 2013 to complain about the way his request for information had been handled. The council

have not responded to his information request and failed to provide an internal review.

9. The Commissioner wrote to the council on 10 April 2013 advising a complaint has been raised and attached a copy of the information request.

Reasons for decision

10. Section 10 of FOIA states that an information request should be responded to within 20 working days following receipt. In this case, no response has been provided and it has now been over 2 months since the initial request. Therefore, the council has breached section 10 of FOIA in relation to the complainant's request.

Right of appeal

11. 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

12. 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.
13. 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