

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 June 2013

Public Authority: Buckinghamshire County Council

Address: County Hall
Walton Street
Aylesbury
Buckinghamshire
HP20 1UA

Decision (including any steps ordered)

1. The complainant has requested information relating to road repairs and associated costs from Buckinghamshire County Council ("the council").
2. The Commissioner's decision is that the council has breached section 10 of the FOIA by failing to reply to the request within 20 working days.
3. As the council responded to the request during the course of the Commissioner's investigation, he does not require any steps to be taken by the council.

Request and response

4. On 17 March 2013, the complainant wrote to Buckinghamshire County Council and requested information in the following terms:
 - "1. What has been the total expenditure on pot hole repairs, per year, for the last 10 years for Buckinghamshire.*
 - 2. What has been the total expenditure on road repairs, per year, for the last 10 years for Buckinghamshire.*
 - 3. What has been the total expenditure on pot hole repairs, per year, for the last 10 years for Hazlemere.*
 - 4. What has been the total expenditure on road repairs, per year, for the last 10 years for Hazlemere (total).*

- 5. What has been the number of claims made, the number paid and the amount of money paid to the public for pot hole damage to their cars, per year, for the last 10 years for Bucks.*
- 6. What has been the number of claims made, the number paid and the amount of money paid to the public for pot hole damage to their cars, per year, for the last 10 years for Hazlemere."*
5. The council responded on 16 May 2013, outside of the prescribed 20 working days.

Scope of the case

6. The complainant contacted the Commissioner on the 23 April 2013 to complain that their request for information had not been responded to. During the course of the Commissioner's investigation the council provided the complainant with the information to their request, namely on the 16 May 2013. This satisfied the complainant's request, however they asked the Commissioner to issue a decision notice to address the delay in providing a response. Therefore, this decision notice concerns the council's late response which was in breach of section 10 of the FOIA.

Reasons for decision

7. Section 10 of FOIA requires that an information request should be responded to within 20 working days of receipt.
8. The Commissioner's decision is that the council therefore breached section 10 of the FOIA in relation to the complainant's request.

Right of appeal

9. If 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

10. 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.
11. 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