

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 January 2014

Public Authority: Manchester City Council

Address: Manchester
M60 2LA

Decision (including any steps ordered)

1. The complainant has requested information from Manchester City Council (the council) in the form of 16 questions concerning OneEducation Ltd. The council initially sought to rely on section 12 of the FOIA not to provide the information, but after it conducted an internal review it amended its decision and provided the requested information.
2. The Commissioner's decision is that the council has breached section 10 of the FOIA as it did not provide the requested information within the required 20 working days from the date of receipt.
3. As a response has now been provided the Commissioner does not require any steps from the council.

Request and response

4. On 12 February 2013, the complainant wrote to the council and requested information in the form of sixteen separate points.
5. The council responded on 25 February 2013. It refused to provide the information stating that to do so would exceed the statutory cost limit of £450. The council seemed to be relying on section 12 of the FOIA. The council asked the complainant to refine the request and to contact its information governance team if advice or assistance was required to help him to do this.
6. On 25 February 2013 the complainant asked the council how much it would cost to respond to each of his questions so that he could select a shorter list.

7. On the 17 April 2013 the complainant requested an internal review as no response had been received to the complainant's 25 February 2013 request for advice and assistance.
8. The complainant contacted the Commissioner on the 28 May 2013 to complain about the way the council handled the request and that no internal review had been provided.
9. The Commissioner contacted the council to ask whether it was going to provide an internal review to the complainant.
10. The council provided an internal review response on the 26 July 2013 stating that it no longer sought to rely on section 12 of the FOIA and instead provided a fresh response to the information request.

Scope of the case

11. The complainant has advised the Commissioner that he is not satisfied with the time it took for the council to respond to the information request and has asked the Commissioner to issue a decision notice to record the breach in time for the council to respond.
12. The Commissioner considers the scope of the case is to determine whether the council breached section 10 of the FOIA.

Reasons for decision

13. Section 10 of FOIA provides that information requests should be responded to by public authorities within 20 working days of their receipt and complies with section 1(1) of the FOIA. In this case, although the council responded on the 25 February 2013 to refuse the request under section 12 of the FOIA, it subsequently changed its response no longer relying on this exemption and provided the information on the 26 July 2013. This information was provided outside the 20 working days. Therefore the Commissioner finds that the council has breached section 10 of the FOIA.
14. **Other matters** Subsequent to this complaint being brought to the Commissioner's attention, and as a result of further requests and correspondence between the parties, the council have taken the view that the requestor's identity in this matter is actually a pseudonym. The council is therefore concerned that by issuing a decision in this complaint, it would prejudice their position in subsequent responses if they should choose to invalidate requests made under what they

consider to be a false name. However, the Commissioner is of the view that in the circumstances of this complaint, which was initially dealt with in good faith and the section 10 breach is a matter of record, that any subsequent discovery does not, in this case, restrict their options.

Right of appeal

1. 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: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

2. 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.
3. 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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