

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 March 2015

Public Authority: Mid Suffolk District Council
Address: 131 High Street
Ipswich
Suffolk
IP6 8DL

Decision (including any steps ordered)

1. The complainant requested information about professional subscriptions from Mid Suffolk District Council (the 'Council'). The Council did not respond within the statutory 20 working days prescribed by FOIA. The complainant requested that a decision notice be issued by the Information Commissioner recording the delay.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA by issuing its response late but, as a substantive response has been provided to the complainant, he does not require any remedial steps to be taken.

Request and response

3. On 19 October 2014 the complainant wrote to the Council and requested information in the following terms:

"Fully itemised breakdown of Professional Subscriptions totalling £949 shown in Appendix A of

To: Joint Audit and Standards Committee

Report Number: JAC34

From: Head of Corporate Resources

Date of meeting: 1 September 2014

NON-SALARY EXPENSES

to specifically include:

full name of professional organisation

separately itemising any element of the costs in addition to a basic level annual subscription whether or not these expenses were paid direct to the professional organisation or by reimbursement to the individual staff member."

4. The Council acknowledged receipt of this request on 21 October 2014 but did not provide a substantive response.

Scope of the case

5. The complainant initially contacted the Commissioner on 2 December 2014 to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the fact that no substantive response had been provided within the 20 working day time limit.
6. On 3 December 2014 the Commissioner wrote to the Council to query the apparent non-response. On 8 December 2014 the Council provided the Commissioner with a copy of its response which it said had been sent by post to the complainant on 26 November 2015. It confirmed it would resend the response to the complainant and apologised for the delay which it said had been as a result of staff illness.
7. The complainant confirmed he had not received the response sent on 26 November 2015. However, as that response was still outside the 20 working days' time limit, the complainant asked the Commissioner to request that he issue a decision notice to record the delay.
8. The Commissioner has considered whether there has been a breach of section 10(1) by the Council in its handling of the complainant's request.

Reasons for decision

9. Section 8(1) of the FOIA states that requests for information should be in writing, bear the name and address of the applicant, and describe the information requested. The Commissioner considers that the request in this case fulfilled these criteria, and therefore constituted a valid request under the FOIA for recorded information.

10. Section 10(1) of the FOIA provides that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.
11. From the information provided to the Commissioner it is evident that the Council did not respond to the complainant within the statutory timeframe in respect of this request.
12. The Commissioner does not need to serve a decision notice in an individual case in order to use that case as evidence for future enforcement action; however, should a complainant request the Commissioner to issue a decision notice for a specific complaint he will do so.
13. The Commissioner finds that the Council breached section 10(1) of the FOIA in this case and has ensured that the details of the case have been recorded for future monitoring purposes.

Other matters

14. As well as finding above that the Council is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future enforcement action against the Council should evidence from other cases suggest that there are systemic issues within the Council that are causing delays.

Right of appeal

15. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

16. 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.
17. 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

Jon Manners
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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF