

Freedom of Information Act 2000

Decision notice

Date: 9 February 2015

Public Authority: The Charity Commission
Address: PO Box 1227
Liverpool
L69 3UG

Decision (including any steps ordered)

1. The complainant requested details about communications between the HorseWorld Trust and the public authority, the Charity Commission. The Information Commissioner's decision is that the Charity Commission did not deal with the request in accordance with the FOIA. This is because the public authority provided its responses outside the statutory 20 working days and it has therefore breached section 10(1) of the FOIA.
2. As the requested information has now been provided during the course of the investigation, the Commissioner does not require any steps to be taken.

Request and response

3. On 8 December 2014, the complainant wrote to the Charity Commission and requested information in the following terms:

"Would you please provide me with all correspondence between the Charity Commission and Trustees / senior managers of HorseWorld Trust, plus minutes, notes, reports, etc., in connection with the investigation recently undertaken by the Commission into HorseWorld Trust.

Would you please include your records of:

a. Any concerns, complaints etc raised at any time by any members of the public in connection with the operation of HorseWorld Trust, and

b. details of the process undertaken by the Charity Commission to investigate these complaints and concerns.

I look forward to hearing back from you within the timescale as per legislative requirements."

4. The request was acknowledged automatically by the public authority on the same day. The complainant wrote again on 11 January 2015 to chase for the response.
5. On 22 January 2015 the public authority acknowledged this later message but did not provide a significant response to the complainant's request. The Charity Commission stated that it had not received the initial request and that the response would be provided within 20 working days of 11 January 2015.

Scope of the case

6. The complainant contacted the Commissioner on 14 January 2015 to complain about the way his request for information had been handled.
7. The Commissioner considers the scope of the case to be whether the Charity Commission has issued a response to the complainant within the stipulated time limit.

Reasons for decision

8. Section 1 of the Act states that an individual who asks for information is entitled to be informed whether the information is held, and – providing no exemptions apply – if the information is held to have the information communicated to them.
9. Section 10 of the Act states that a public authority must respond to a request promptly or "not later than the twentieth working day following the date of receipt".
10. Although the Charity Commission has stated that it did not receive the initial request, the Information Commissioner has been provided with a copy of both the initial request and the initial response, both dated 8 December 2014. The twentieth working day after that date was 8 January 2015.
11. As previously mentioned, the complainant wrote to the Charity Commissioner to inform it that a response was overdue. The Information Commissioner wrote to the public authority on 26 January 2015 asking it

to respond to the complainant's request. At this point, the complainant requested that a decision notice be served.

12. On 28 January 2015, the Charity Commissioner confirmed to the Information Commissioner that a response was provided to the complainant on 27 January 2015.
13. However, the Charity Commission did not respond to the request within the statutory time limit. The Information Commissioner has therefore found that the public authority breached section 10(1) of FOIA.

Other matters

14. All communications in writing to a public authority, including those transmitted by electronic means, may contain or amount to requests for information within the meaning of the FOIA. It is essential that public authorities have procedures in place to ensure that information requests are recognised, and ensure that sufficient staff are familiar with the requirements of the FOIA and the Codes of Practice issued under its provisions.

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: <http://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

Pamela Clements
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