

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

Decision notice

Date: 9 August 2016

Public Authority: Highways England
Address: Bridge House
1 Walnut Tree Close
Guilford
GI1 4LZ

Decision (including any steps ordered)

1. The complainant has requested information about a contract Highways England (HE) awarded to 'Amey'.
2. The Commissioner's decision is that HE has breached regulation 5(2) of the EIR because it did not provide a response to the request within 20 working days. HE has now provided a response and the Commissioner does not require it to take any steps.

Request and response

3. On 22 March 2016, the complainant wrote to HE and requested information in the following terms:

"Please refer to

<http://highwaysmagazine.co.uk/he-awards-...>

Please let me have an electronic copy of the complete contract.

Please include the documents which both parties have signed and any documents referred to in the contact that forms part of it.

Please let me know if this request is going to be unduly burdensome in which case please suggest how it can be made easier for you. I may then consider amending it accordingly."

4. HE wrote to the complainant on 31 March 2016. It said that the contract was very large and suggested that the complainant may want to make the request more specific. HE detailed the component parts of the contract. The complainant confirmed to HE on 4 April 2016 that, since the contract was an electronic version, he would like the complete document.
5. On 3 May 2016, HE provided a response to the complainant's request.

Scope of the case

6. The complainant contacted the Commissioner on 5 May 2016. He is dissatisfied with the length of time it took for HE to respond to his request.

Reasons for decision

7. Regulation 5(1) of the EIR says that a public authority that holds environmental information shall make it available on request.
8. Regulation 5(2) says that held information shall be made available as soon as possible and no later than 20 working days after the date of receipt of the request.
9. In this case the complainant submitted his request on 22 March 2016. A response was due by 20 April 2016 but was not forthcoming until 3 May 2016.
10. The Commissioner has noted correspondence between the complainant and HE dated 31 March and 4 April 2016. A request that has been clarified or refined is categorised as a new request and the authority must respond to the clarified request within a new 20 working day time limit, with the 'clock' starting the day after it receives the required clarification. In this case, the request of 4 April 2016 cannot be considered to be a clarified or refined request since it is again a request for the complete contract, originally requested on 22 March 2016.

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: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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

Pamela Clements
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SK9 5AF