

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 June 2016

Public Authority: Bracknell Forest Council
Address: Easthampstead House
Town Square
Bracknell
Berkshire
RG12 1AQ

Decision (including any steps ordered)

1. The complainant has requested the name(s) and contact details of specified employees of Bracknell Forest Council's Children's Leaving Care Service. Following the Information Commissioner's intervention, the Council decided to disclose the details which the complainant seeks.
2. The Council's disclosure of the requested information means that it has now complied with section 1 of the FOIA. The disclosure was made after the twenty day compliance period had passed and therefore the Commissioner has decided that Bracknell Forest Council has breached section 10 of the FOIA.
3. The Commissioner requires the public authority to take no further action in this matter.

Request and response

4. On 23 November 2015, the complainant wrote to Bracknell Forest Council and requested information under the following terms:

"Can I have the name and contact details including emails for the manager directly responsible for the Children's Leaving Care Service.

Can I also have the same details for the post responsible for the service at third tier if different."

5. The complainant wrote again to the Council on 23 December. He pointed out that he had not received a response to his request of 23 November.
6. On 29 December the Council wrote to the complainant to provide its response to his request. The Council advised the complainant that he could view details of the Council's departments on:

<http://www.bracknell-forest.gov.uk/councildepartments>
7. The Council informed the complainant that, "By viewing the information on these pages, you can see that there are chief officers who are responsible for the different branches within the departments. We have published an organisational structure for the departments which you can find on the pages above".
8. The Council also informed the complainant that it publishes the names of its senior managers and that he can find these on the following URL:

http://www.bracknell-forest.gov.uk/organisational_chart-staff-structure.pdf
9. The Council advised the complainant that he could find contact details, including telephone numbers and its postal address at:

<http://www.bracknell-forest.gov.uk/contactus>
10. The complainant wrote again to the Council on 31 December to ask the Council to carry out an internal review of its decision not to provide him with the information he is seeking.
11. The Council completed its internal review and wrote to the complainant on 26 January to advise him of its final decision. The reviewer informed the complainant that the names of employees below Head of Service level have been removed from its website and that the Council does not believe that employees below this level would expect their personal information to be disclosed under the FOIA. The Council stated that it considers disclosure would breach the Data Protection Act 1998 and that the FOIA provides an exemption for third party personal data.
12. The Council's reviewer advised the complainant that he had considered the data protection principles, particularly principle 2, where the information should only be processed for specified, lawful and compatible purposes and that he did not consider disclosure under the FOIA is a compatible purpose.
13. Furthermore, account had also been given to principle 6, where disclosure would accord with the rights of the data subjects and cause them damage and distress.

Scope of the case

14. The complainant contacted the Commissioner on 28 January 2016 to complain about the way his request for information had been handled.
15. Initially, the Commissioner investigated the Council's reliance on section 40(2) of the FOIA to withhold the information requested by the complainant. However, following the Commissioner's intervention the Council decided to provide the information which the complainant seeks and to inform him that it is no longer relying on an exemption.

Reasons for decision

16. Section 1 of FOIA states that:

"Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him."

17. Section 10 of the FOIA states 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."

18. The Council revisited the complainant's request and reviewed its position in respect of the information which it had previously withheld. Subsequently, on 23 May 2016, the Council wrote to the complainant and provided him with the information asked for in his request of 23 November 2015.
19. In providing the complainant with the information he has asked for, the Council has complied with section 1 of the FOIA.
20. The Council's disclosure of the requested information was made significantly outside of the twenty working day compliance period required by section 10 of the FOIA.
21. The Council's late disclosure of information leads the Commissioner to find that the Council has breached section 10.

Right of appeal

22. 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

23. 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.
24. 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