

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 3 August 2017

**Public Authority:** Stockton-on-Tees Council  
**Address:** PO Box 11, Municipal Buildings  
Church Road  
Stockton-on-Tees  
Cleveland TS18 1LD

### Decision (including any steps ordered)

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1. The complainant has requested information about costs associated with a project between Stockton-on-Tees Council ('the Council') and 'Spark of Genius'. At the date of this notice, the Council has not provided a response to the request.
2. The Commissioner's decision is that the Council has breached section 10(1) of the FOIA because it has not responded to the request within 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation:
  - Provide a response to the complainant's request of 12 December 2016 that complies with the FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

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5. On 12 December 2016, the complainant wrote to the Council and requested information in the following terms:

*"Thank you for the clarification, however you have still not provided me with the figures.*

*As of now (2016) please provide both the capital and revenue costs for the project, for ease separate figures would be appreciated."*

6. The Council did not respond to the request, despite a follow-up email from the complainant to the Council in March 2017.

## Scope of the case

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7. The complainant contacted the Commissioner on 5 April 2017 to complain that she had not received a response to her request.
8. The Commissioner wrote to the Council on 26 June 2017 and 26 July 2017 and asked it to provide a response to the complainant's request.
9. No response has been forthcoming and the Commissioner has considered whether the Council has complied with its duty under section 10(1) of the FOIA.

## Reasons for decision

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10. Section 1(1) of the FOIA says that anyone who requests information from a public authority is entitled a) to be told whether the authority holds the information and b) to have the information communicated to him or her if it is held.
11. Section 10(1) of the FOIA says that a public authority must comply with section 1(1) as soon as possible and within 20 working days following the date of receipt.
12. In this case, the complainant submitted her request on 16 December 2016 and at the date of this notice has not received a response. This is a clear breach of section 10(1).

## Right of appeal

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13. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

14. 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.
15. 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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**