

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 19 October 2017

**Public Authority:** West Sussex County Council  
**Address:** County Hall  
West Street  
Chichester  
West Sussex  
PO19 1RQ

#### **Decision (including any steps ordered)**

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1. The complainant has requested a copy of the meeting notes which relate to a review which was conducted by West Sussex County Council's ("the Council") safeguarding adults' board, concerning the complainant's brother.
2. The Commissioner's decision is that the Council has breached section 10(1) of the FOIA time for compliance in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - The Council must provide the complainant with a response to this request in accordance with its obligations under 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 3 June 2017, the complainant wrote to the Council and requested information in the following terms:

*"I wish to obtain a copy of the meeting notes that the email below relates to. This is in respect of a safeguarding adults review conducted by W Sussex CC safeguarding adults board, that concerns my brother, [redacted name], for whom I am the legal deputy as appointed by the court of protection.*

*Please arrange for a full copy of the relevant notes to be provided".*

6. The Council acknowledged the request on 12 June 2017. It did not, however, provide a response to the request.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 12 July 2017 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether the Council dealt with this request in accordance with its obligations under section 10(1) of the FOIA.

### **Reasons for decision**

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9. Section 10 of the FOIA states that a public authority must respond to a request promptly and in the event not later than the twentieth working day following the date of receipt.
10. From the evidence provided to the Commissioner it is evident the Council did not respond to the complainant within the statutory timeframe in respect of this request: the complainant submitted his request on 3 June 2017 and has still not received a response.

### **Conclusion**

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11. The Commissioner's decision is that the Council did not deal with the request for information in accordance with the FOIA. In this case the Council has breached section 10(1) of the FOIA by failing to respond to the complainant.

## Right of appeal

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12. 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)

13. 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.
14. 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** .....

**Alun Johnson**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**