

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 July 2018

Public Authority: Department for Communities Northern Ireland (DFC)

Address: foi@communities-ni.gov.uk

Decision (including any steps ordered)

1. The complainant has requested information from the DFC regarding registered landlords. The DFC provided a response to the complainant's request, however this was provided outside of the statutory time limit of 20 working days.
2. The Commissioner's decision is that the DFC has breached section 10(1) of FOIA.
3. As the requested information has now been provided, the Commissioner does not require the DFC to take any further steps.

Request and response

4. On 13 March 2018, the complainant wrote to the DFC and requested information in relation to registered landlords as mentioned in paragraph 1 of this Notice. The DFC acknowledged the complainant's request on the same date.
5. Having not received a response from the DFC, the complainant contacted the Commissioner, who wrote to the DFC on 1 May 2018 giving it 10 working days to provide a response to the complainant.

The DFC stated that it had provided a response to the complainant's request on 26 April 2018 and sent the Commissioner a copy of that response. However, the complainant informed the Commissioner that he did not receive the DFC's response until 4 May 2018.

Scope of the case

7. The complainant contacted the Commissioner on 4 May 2018 to confirm that he had received a response from the DFC, and that he wished the Commissioner to draft a decision notice in relation to the DFC's delayed response to him.
8. The Commissioner has considered whether the DFC breached section 10(1) of FOIA – time for compliance.

Reasons for decision

Section 10(1): Time for compliance

9. Section 1(1)(a) of FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.
10. Section 10(1) requires that the public authority comply with section 1 promptly and in any event no later than 20 working days after the date of receipt of the request.
11. In this case, the complainant's request for information was made on 13 March 2018, however he did not receive a response from the DFC until 4 May 2018. Even though the DFC sent its response on 26 April 2018, from the information provided to the Commissioner in this case it is evident that the DFC did not respond to the complainant under FOIA within the statutory time frame and therefore it has breached section 10(1) of FOIA.
12. As the DFC has now issued a response to the request, the Commissioner does not require it to take any further steps.

Right of appeal

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
Website: 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

Deirdre Collins
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