

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 September 2020

Public Authority: Keelby Parish Council

Address: keelby.parishclerk@gmail.com

Decision (including any steps ordered)

1. The complainant requested copies of quotes with regards to a contract for works to be carried out. Keelby Parish Council (the council) failed to disclose the information requested.
2. The Commissioner's decision is that the council has breached section 10(1) of the FOIA as it did not provide the information requested within 20 working days.
3. The Commissioner requires the council to take the following steps to ensure compliance with the legislation.
 - Provide the complainant with actual copies of the original quotes, as per his request.
4. The council 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

5. On 4 August 2019 the complainant made the following information request to the council:

"Ref: Wivell Drive Project, Keelby Parish Council

Under the Freedom of Information Act, please supply me with the following information: -

- *Copies of the original 3 quotes for the work."*
6. The complainant then contacted the Commissioner on the 10 September 2019 as he had not received a response from the council.
7. On 2 October 2019, the Commissioner contacted the council asking that it respond to the request within 10 working days.
8. On 8 October 2019 the council responded to the Commissioner stating that due to an oversight the response was not sent, but that it had since provided its response to the complainant.
9. The complainant requested an internal review on the same day because the information disclosed was a summary, rather than copies of the original material as specified in his request.
10. He therefore asked again that the council provide him with copies of the three quotes received.
11. The council provided its internal review on 5 November 2019 explaining that the document sent was not a summary but exact copies of the quotes minus the company information. It applied section 43(2) (commercial interests) of the FOIA not to provide copies of the original information that contained the companies' details.
12. The complainant contacted the Commissioner again on the 11 November 2019 dissatisfied with the council's application of section 43(2) of the FOIA not to reveal the companies on the quotes provided.
13. During discussions with the Commissioner about the application of section 43(2) of the FOIA, the council advised it was no longer going to rely on the exemption and instead intended to provide the information.
14. On 26 March 2020 the council provided the complainant with an email stating the name of each company and to which quote it related.

15. The complainant advised the Commissioner that he was still not satisfied as he asked for actual copies of the quotes, which had still not been provided to him.
16. The Commissioner asked the council if it would send the complaint copies of the actual quotes and it advised the Commissioner it would on at least two occasions.

Scope of the case

17. On the 7 September 2020, the complaint advised the Commissioner that the council had still not provided him with copies of the original quotes.
18. The council has not provided the Commissioner with any evidence that it has provided the complainant with this information.
19. As the council also told the Commissioner it was no longer relying on section 43(2) of the FOIA to withhold the information, the Commissioner therefore considers the scope of the case is to determine whether the council has complied with section 10 of the FOIA.

Reasons for decision

20. Section 10(1) of the FOIA requires a public authority to provide information to a requestor within 20 working days following the receipt of a request.
21. In this case the complainant clearly requested "*Copies of the original 3 quotes for the work*" and has restated in his internal review request and through the Commissioner that it is actual copies of the original quotes that he requires.
22. The council has not provided the actual copies of the quotes to the complainant, even though it has said it would do so, and therefore the Commissioner finds that the council has breached section 10(1) of the FOIA.
23. The council must carry out the step in paragraph 3 above.

Other matters

24. The Commissioner has found the council's engagement with her office disappointing in that it has stated to the Commissioner that it would provide the complainant with the original copies of the quotes on at least two separate occasions, but failed to do so.
25. The Commissioner would expect the council to take note of this and ensure that it complies with this decision notice within the timeframe given.
26. The Commissioner also expects that the council will put steps in place to ensure that it delivers on the public's information rights in a timely fashion for any future requests it receives.

Right of appeal

27. 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@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

28. 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.
29. 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

Ben Tomes
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