

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

### **Decision notice**

**Date:** 1 September 2021

**Public Authority:** Chelmsford City Council  
**Address:** Duke Street  
Chelmsford  
CM1 1JE

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

---

1. The complainant requested information from the Council about information held on parking applications for two roads in their local area.
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. As a response has been issued, the Commissioner does not require the Council to take any further steps.

#### **Request and response**

---

4. On 10 June 2021, the complainant wrote to the Council and requested information in the following terms:

*"I wish to receive all information held for an application for parking restrictions that was carried out for [ADDRESS REDACTED]. I am unable to give a time of this application but I believe it to be in the region of four years ago."*

5. The Council provided a response on 20 August 2021.

## Scope of the case

---

6. The complainant contacted the Commissioner on 26 July 2021 to complain about the way his request for information had been handled and specifically requested a decision notice recording the late response provided by the Council.
7. The Commissioner therefore considers the scope of the case to be whether the Council complied with its obligations under section 1 of the FOIA (general right of access to information held by public authorities) and section 10 (time for compliance with the request).
8. This decision notice deals purely with the timeliness of the response to the request submitted to the Council on 10 June 2021.

## Reasons for decision

---

9. Section 1(1) of the 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.*

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt.”
11. From the evidence provided to the Commissioner in this case, it is clear that in failing to issue a response to the request within 20 working days, the Council has breached Section 10(1) of the FOIA.

## Right of appeal

---

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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.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 .....**

**Deirdre Collins**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**