

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 July 2022

Public Authority: Bicester Town Council

Address: The Garth
Launton Road
OX26 6PS

Decision

1. The complainant requested information from Bicester Town Council (“the Council”) relating to an appeal to the First-Tier Tribunal.
2. The Commissioner’s decision is that on the balance of probabilities, the Council has not identified all information held within the scope of the request.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - The Council must issue a fresh response to the request following searches aimed at identifying all the information held within the scope of the 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. The complainant made the following information request to the Council on 4 November 2021:

“Please provide an electronic copy of all recorded information you hold relating to a decision of the First-tier Tribunal (Information Rights) under reference EA/2021/0115P. This decision, dated 24 September 2021, contained some strong criticisms of your council.”

6. The final position of the Council was that it has provided all the information it holds within the scope of the request.

Reasons for decision

7. This reasoning covers whether the Council stated correctly that it holds no further information falling within the scope of the complainant's request to that which it disclosed.
8. The complainant considers that the Council has not disclosed all the information it holds within the scope of the request. The complainant considers that the Council holds correspondence relating to the First-Tier Tribunal appeal which has not been disclosed.
9. The Council's position is that it does not hold any further information within the scope of the request as the appeal to the First-Tier Tribunal was held between the Information Commissioner's Office (ICO) and the individual who requested information.
10. In response to the request, the Council provided the complainant with a link to a decision notice on the ICO's website. It did not provide the complainant with any further information within the scope of the request. The Commissioner's decision is that on the balance of probabilities the Council has not provided all the information it holds within the scope of the request.
11. The Commissioner requires the Council to issue the complainant with a fresh response to their request following searches aimed at identifying all the information held within the scope of the request. If the Council locates information within the scope of the request, that information should either be disclosed to the complainant or an adequate refusal notice should be provided.

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: 0300 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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

Ben Tomes
Group Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF