

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

### **Decision notice**

**Date:** 13 June 2024

**Public Authority:** Bournemouth Christchurch and Poole Council  
**Address:** Civic Centre  
Bourne Avenue  
Bournemouth  
BH2 6DY

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

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1. The complainant has requested information in relation to speed cameras.
2. The Commissioner's decision is that Bournemouth Christchurch and Poole Council (the council) breached section 10(1) of the FOIA as it did not respond to the request within the required 20 working days set out in the FOIA.
3. As the council has since responded, the Commissioner does not require any steps.

#### **Request and response**

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4. Following a council response dated 20 September 2023 to an earlier request in relation to speed cameras, the complainant wrote further to the council on 12 October 2023.
5. The majority of the 12 October 2023 correspondence is seeking either clarification, opinion or making statements and so will not be considered in this decision notice as the FOIA only covers requests for recorded information.
6. The parts of the correspondence that the Commissioner is satisfied are a request for recorded information are as below:

- "2. Is there some tangible criteria, based on accident figures or some other metrics, that you use to decide where to place cameras. If so what are the thresholds?
4. Does the council ever evaluate the figures after a 5 year period of speed reductions or cameras being introduced and remove them and restore normal speed limits if found to be ineffective, or is this a one way ratchet?"
7. The complainant contacted the council on 23 November 2023 as they had not received a response to the request. The council responded on the same day apologising that a response had not been issued and stating that a response would be issued as soon as possible.
  8. The complainant contacted the council again on 11 January 2024 as they had still not received a response to their request.
  9. The complainant then contacted the Commissioner on 25 January 2024 as they had still not received a response from the council.
  10. The Commissioner contacted the council on 14 February 2024 and the council then responded to the complainant on 22 February 2024.
  11. Following further communication between the council and complainant it provided a response to part 4 of the request on 18 March 2024.

### **Scope of the case**

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12. The complainant contacted the Commissioner further to advise he was not satisfied with the time it took the council to respond to his request.
13. The scope of the following analysis is to determine whether the council breached section 10 of the FOIA.

### **Reasons for decision**

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14. 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”
15. 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”.
  16. In this case the council has told the Commissioner that it disputes that it has breached section 10 of the FOIA as the complainant had already been provided with the information requested and additionally this information was publicly available and he had previously been told where it could be located.
  17. It has stated that the complainant has written extensively to the council over the preceding years.
  18. It has also told the Commissioner that the request dated 12 October 2023 did not appear to be a request for information, but rather communications disputing aspects and seeking clarification to the council’s previous replies on the matter of speed cameras.
  19. Although the majority of the correspondence is not a request for recorded information but appears to be asking for comments or opinions, the Commissioner is satisfied that parts 2 and 4 of the complainant’s correspondence are requests for recorded information.
  20. As the council did not respond to them until 22 February 2024, the Commissioner finds that the council responded outside the required 20 working days and therefore it has breached section 10(1) of the FOIA.

## **Other matters**

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21. In the council’s submissions to the complainant, it stated that it deemed the complainant’s 12 October 2023 request as correspondence seeking clarification and disputing the council’s position in the overall matter. It also stated it had already provided the information to the complainant previously.

22. If the council did not deem the correspondence to be a request for information, at the point the complainant had stated it was, it should have responded as per the Commissioner's guidance<sup>1</sup> which states:  
  
"...you have a duty to provide advice and assistance, '...so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it'.  
  
We consider this duty to extend to requesters who have made invalid requests. We expect you to issue a prompt response to the requester, explaining why their request was invalid under section 8."
23. If it considered it had previously provided the information to the complainant, it should have issued a valid refusal notice.
24. The Commissioner expects the council to take note of the above and ensure that future requests are responded to appropriately.
25. The Commissioner would also refer the complainant to the Commissioner's guidance<sup>2</sup> which explains how to write an effective request for recorded information so it is clear that a request is being made under the FOIA.

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<sup>1</sup> [Recognising a request made under the Freedom of Information Act \(section 8\) | ICO](#)

<sup>2</sup> [How to write an effective request for information | ICO](#)

## Right of appeal

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26. 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)

27. 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.
28. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Ben Tomes**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**