

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 April 2024

Public Authority: Goldshaw Booth Parish Council

Address: clerk@goldshawbooth.org.uk

Decision (including any steps ordered)

1. The complainant requested information from Goldhsaw Booth Parish Council (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The public authority must take this step 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.

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

Request and response

5. On 26 September 2023, the complainant wrote to the public authority and requested information in the following terms:
- “1. Copies of the actual emails, showing their content, of all the messages, you stated had ‘bounced’.
 2. An explanation as to why was the relevant documentation has not been published on the website.
 3. An explanation as to why the summary of rights was not published alongside the notice of public rights.
 4. An explanation as to why there was no declaration appended stating that the accounting statements were unaudited.
 5. Three like for like quotes for the new playground equipment.
 6. Three like for like quotes for the ‘Access for All Area’ including them in a legible format, stating who the contractor was.
 7. Three like for like quotes for the ginnel in Spenbrook.
 8. Three like for like quotes for the new garden area, positioned by the notice board in Spenbrook.
 9. The Internal Auditors actual written report.
 10. A copy of the up to date Asset Register.
 11. A copy of the Feasibility Study for the ‘Access for All’ area.
 12. A copy of the Topography Report for the ‘Access for All’ area.
 13. Confirmation why the carried forward figure shown on the AGAR was at that level.
 14. Confirmation of why the proceeds of sale for the mower and container have not been returned to the donation figure.”

Reasons for decision

6. Section 1(1) of 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.”

7. Section 10(1) of 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”.

8. On 22 February 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

9. Despite this intervention the public authority has failed to respond to the complainant.

10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

11. The Commissioner notes that not all parts of the request seek recorded information. Public authorities are only required to provide copies of information they already hold in recorded form. They are not required to create or acquire new information to satisfy an information request. The public authority is only required to respond to those parts of the request that seek recorded information.

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

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.

Roger Cawthorne
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF