

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 May 2024

Public Authority: Tees Valley Combined Authority
Address: Teesside Airport Business Suite
Teesside International Airport
Darlington
DL2 1NJ

Decision (including any steps ordered)

1. The complainant has requested information regarding the Teeswork site and the potential number of tenants from Tees Valley Combined Authority (TVCA).
2. The Commissioner's decision is that TVCA breached: section 10, section 1(1)(a) and section 1(1)(b) of FOIA by failing to confirm the requested information was held within 20 working days and by failing to provide the requested information within 20 working days.
3. As the complainant has now received the requested information the Commissioner does not require further steps to be taken in this matter.

Request and response

4. On 30 December 2023, the complainant wrote to TVCA and requested information in the following terms:

"Can you please provide the following information under the Freedom of Information Act.

- Number of tenants who have completed paperwork to become tenants at the Teesworks site, as of the date of receipt of this FOI request.

- Number of prospective tenants currently in advanced discussions to completing paperwork to become tenants at the Teeswork site, as of the date of receipt of this FOI request.
 - How many acres and what proportion of the site both of these figures represent.”
5. TVCA responded on 30 January 2024. It stated that it did not hold the requested information.
 6. Following an internal review TVCA wrote to the complainant on 12 March 2024. TVCA provided the requested information.

Reasons for decision

7. Section 1(1) of FOIA provides 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.”
8. Section 10(1) of FOIA states that a public authority must comply with its duties under section 1(1) promptly and “not later than the twentieth working day following the date of receipt”.
9. TVCA advised the complainant that it did not hold the requested information when responding to the request and then later explained it did hold the requested information and provided this information upon receiving an internal review request.
10. As TVCA clearly held the requested information it therefore breached sections 10, 1(1)(a) and 1(1)(b) by failing to confirm that it held the requested information and by failing to provide that information within 20 working days.

Right of appeal

11. 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

12. 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.
13. 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
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