

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

### **Decision notice**

**Date:** 13 August 2014

**Public Authority:** Kirby Muxloe Parish Council  
**Address:** Parish Council Office  
Station Road  
Kirby Muxloe  
Leicester  
LE9 2EN

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

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1. The complainant has requested Kirby Muxloe Parish Council ('the council') to disclose the individual contact details of all current parish councillors. To the date of writing this notice, the council has failed to issue a response in accordance with the FOIA.
2. The Commissioner's decision is that the council has breached section 10 of the FOIA in this case.
3. The Commissioner requires the council to take the following steps to ensure compliance with the legislation:
  - The council should issue a response to the complainant's information request of 28 April 2014 in accordance with the FOIA.
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 the Act and may be dealt with as a contempt of court.

#### **Request and response**

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5. On 28 April 2014, the complainant wrote to the council and requested information in the following terms:

"Please provide the individual contact details of all current parish councillors as required by law."

6. The council failed to respond to this request so the complainant referred the matter to the Commissioner on 2 July 2014.
7. The Commissioner wrote to the council on 15 July 2014 and requested that it respond to this request and an earlier request of 2 January 2014, being dealt with under case reference FS50546755, in 10 working days.
8. The council did not respond in 10 working days as requested but did issue a response to the complainant's request of 2 January 2014 on 30 July 2014. The council failed to issue a response in accordance with the FOIA to the complainant's request of 28 April 2014.

### **Scope of the case**

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9. This notice is to address the complainant's information request of 28 April 2014 and the council's failure to date to issue a response in accordance with the FOIA.
10. The complainant's request of 2 January 2014 is being addressed separately under case reference FS50546755.

### **Reasons for decision**

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11. Section 10 of the FOIA states that subject to subsections (2) and (3), a public authority must comply with section (1) promptly and in any event not later than the twentieth working day following the date of receipt.
12. Section (1) 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.
13. The complainant submitted an information request to the council on 28 April 2014. As the council has to the date of this notice failed to issue a full and detailed response in accordance with the FOIA within 20 working days of his request, the Commissioner has found the council in breach of section 10 of the FOIA.

Right of appeal

14. 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: 0116 249 4253

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. 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.
16. 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 .....**

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