

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 18 May 2018

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

#### Decision (including any steps ordered)

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1. The complainant requested information about various contracts that Kirby Muxloe Parish Council ("the Parish Council") had entered into.
2. The Commissioner's decision is that the Parish Council failed to respond to the request within 20 working days and has therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. The Commissioner requires the Parish Council to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response, under the FOIA, to the request.
4. The Parish 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 29 September 2017, the complainant wrote to the Parish Council and requested information in the following terms:

*"I should be grateful if you would provide me with copies of the following documents.*

- *The council's contract with the temporary clerk who is minuted in attendance on 18 August 2016, and from whom an update was received at minute Cou/111/17-17 on 29 September 2016.*
- *The council's consultancy contracts referred to in minute Cou/111/16-17 on 29 September 2016, and in minute Cou/244/16-17 on 16 March 2017.*
- *The council's contracts with AVG Solutions where these have not already been included above."*

6. The Parish Council acknowledged the request on 2 October 2017 but had failed to provide a substantive response by the date of this notice.

## Scope of the case

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7. The complainant contacted the Commissioner on 8 November 2017 to complain about the way her request for information had been handled.
8. In line with her usual practice, the Commissioner contacted the Parish Council on 5 December 2017 to highlight the outstanding response. She requested that the Parish Council respond to the request within 10 working days. The Parish Council acknowledged the correspondence.
9. The Commissioner contacted the Parish Council again on 27 April 2018 asking for a response to be provided to the complainant and for the correspondence to be copied to the Commissioner's Office. This correspondence with neither acknowledged nor responded to.
10. The Complainant contacted the Commissioner on 19 December 2017 to request a decision notice considering the Parish Council's compliance with the FOIA.

## Reasons for decision

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11. 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.*

12. Section 8(1) of the FOIA states:

*In this Act any reference to a "request for information" is a reference to such a request which –*

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

14. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

15. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Parish Council has breached Section 10 of the FOIA.

## Right of appeal

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16. 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@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)

17. 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.
18. 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**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**