

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 September 2021

Public Authority: Rotherham Metropolitan Borough Council
Address: Riverside House
Main Street
Rotherham
S60 1AE

Decision (including any steps ordered)

1. The complainant requested information from Rotherham Metropolitan Borough Council ("the Council") relating to correspondence exchanged between the Council's Legal Services and Anston Parish Council.
2. The Commissioner's decision is that the Council breached section 10(1) of the FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 17 May 2021, the complainant requested information via the Council's online form, in the following terms:

"Please could you provide me with copies of all correspondence (both written and electronic) between RMBC's Legal Services and Anston Parish Council since January 2021."
4. The Council responded to the request for information on 13 August 2021.

Scope of the case

5. The complainant contacted the Commissioner on 13 July 2021 to complain about the Council's failure to respond to their request within the statutory time frame of the FOIA.
6. The Commissioner contacted the Council on 18 August 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
7. The Commissioner also contacted the complainant on 18 August 2021 to explain that the Council had been given 10 working days from 18 August 2021 within which to provide a response to their request.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. 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."*
10. 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"*.
11. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days.

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.

Signed

**Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**