

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 November 2021

Public Authority: Irby Upon Humber Parish Council

Address: clerk.irbyparish@gmail.com

Decision (including any steps ordered)

1. The complainant requested from Irby Upon Humber Parish Council (“the Council”) information relating to meetings held by the Council. By the date of this notice the Council had not issued a substantive response to the request.
2. The Commissioner’s decision is that the Council has breached section 10(1) of the 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 Council to take the following step to ensure compliance with the legislation.
 - The Council must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 13 September 2021, the complainant wrote to the Council and requested information in the following terms:

"I would be grateful if full and complete soft copies of the following information are provided to me:

- the dates of every meeting held by Irby upon Humber Parish Council between 5 July 2019 and 12 September 2021;*
- the minutes of every meeting held by Irby upon Humber Parish Council between 5 July 2019 and 12 September 2021;*
- and the agendas and background/supporting papers of every meeting held by Irby upon Humber Parish Council between 5 July 2019 and 12 September 2021.*

Thank you and I look forward to receiving the requested information within 20 working days."

6. Whilst the Council did not acknowledge this request, the complainant has provided evidence which shows that the request sent to the Council's published email address. Therefore, the Commissioner has assumed that the request was received by the Council.
7. By the date of this notice, the Council has not provided the complainant with a substantive response to the request.

Scope of the case

8. The complainant contacted the Commissioner on 19 October 2021 to complain about the Council's failure to respond to their request.
9. 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

10. 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."

11. 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"*.
12. On 27 October 2021 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
13. Despite this intervention the Council has failed to respond to the complainant.
14. 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 Council 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 the FOIA.

Right of appeal

15. 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

16. 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.
17. 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