

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

### **Decision notice**

**Date:** 12 February 2021

**Public Authority:** Potto Parish Council

**Address:** [pottopc@btinternet.com](mailto:pottopc@btinternet.com)

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

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1. The complainant requested information relating to a meeting between the council and the Yorkshire Local Council's Association (the YLCA). The council provided a copy of a report, however, the complainant requested the attachments that were submitted along with the report. The council did not respond to this until 26 January 2021.
2. The Commissioner's decision is that the council's response did not comply with the requirements of section 10(1) of the Act.
3. The Commissioner does not require the council to take any steps.

## Request and response

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4. On 25 January 2020, the complainant wrote to the council via the website, Whatdotheyknow, and requested information in the following terms:

*'Please can you send me electronic copies of any YLCA documents received following the meeting held on 27 September 2019.'*

5. On 22 March 2020 the complainant complained to the Commissioner as she had not received a response from the council.
6. On 29 April 2020 the Commissioner contacted the council highlighting that the complainant's request had not been responded to. On 4 May 2020 the council wrote to the Commissioner and explained that it had identified that it had not received the request as the Whatdotheyknow website had an incorrect email address for the council.
7. The Commissioner therefore wrote back to the council and asked it to respond to the complainant's request for information.
8. The council responded to the complainant on 26 May 2020. It provided a copy of the YLCA report but did not include any of the attachments to the report in its disclosure.
9. The complainant wrote back to the council on 20 June 2020 and requested a copy of the attachments. The Commissioner is satisfied that the attachments fell within the scope of the initial request received by the council.
10. The council argues that it responded to this request on 25 June 2020, and it provided evidence of this response to the Commissioner. The evidence shows that an email was sent to the complainant via the whatdotheyknow website, however it appears that the complainant did not receive the email via this service. The council also emailed the Commissioner on the same date to confirm that it had responded.
11. On 27 July 2020 the complainant made a further complaint to the Commissioner that she had still not received a response from the council.
12. During the course of the Commissioner's investigation the council provided the information to the complainant again on 26 January 2021.
13. The complainant confirmed that she had received the information on this occasion.

## Scope of the case

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14. The complainant contacted the Commissioner 22 March 2020 to complain about the way her request for information had been handled.
15. Having dealt with the initial failure to respond issues, her central complaint is that the council did not disclose the attachments that fell within the scope of her request for information.
16. The complainant also has further concerns which are not part of the Commissioner's investigation regarding this complaint. These matters are not therefore considered further within this decision notice and have been dealt with through a separate letter to the complainant.
17. However, with the disclosure of the attachments on 26 January 2021, the Commissioner considers that the remaining issue for her to consider within this decision notice is the time which the council took to provide all of the information falling within the scope of her request dated 25 January 2020.

## Reasons for decision

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### **Section 10(1)**

18. Section 10(1) provides that –  
  

*"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."*
19. The complainant made her request for information on 25 January 2020; however, the council has provided evidence that, due to an out-of-date address for the council held by Whatdotheyknow, it did not receive the request until the Commissioner contacted it on 29 April 2020 regarding its failure to respond. The council subsequently provided its response to the complainant on 26 May 2020.
20. However, further to this, the complainant did not receive the additional attachments which fell within her request for information until they were disclosed to her on 26 January 2021, in spite of making a number of further requests to the council to provide this information.
21. This council's response of 26 January 2021 therefore falls outside of the 20 working days required by section 10(1) or the Act.

22. In reaching this decision the Commissioner is satisfied that the council's delays in responding were not entirely of its own making. Initially the request was forwarded to the wrong email address via the whatdotheyknow website, and therefore the council did not, in fact, receive the request until it was informed of it by the Commissioner. She notes that the complainant also wrote to the council on 4 May 2020 reiterating her request.
23. The Commissioner also notes that the council did respond and provide the attachments to the complainant on 25 June 2020, again via a response to the whatdotheyknow website. However, the complainant did not receive the response via this service.
24. Nevertheless, the council was informed that the complainant had not received the response both by the complainant and the Commissioner, but it did not provide the attachments until 26 January 2021.
25. The initial request was received by the council on 29 April 2020, and at the latest via the complainant's reiterated request of 4 May 2020. The council's response of 25 June 2020 therefore falls outside of the 20 working days provided by section 10 of the Act, even if that response had been received by the complainant.
26. The Commissioner's decision is therefore that the council did not comply with the requirements of section 10(1).
27. The Commissioner does not require the council to take any steps.

## Right of appeal

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28. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

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

29. 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.
30. 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 .....**

**Andrew White**  
**Head of FoI Casework and Appeals**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**