

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 June 2022

Public Authority: Breckland District Council
Address: Elizabeth House
Walpole Loke
Dereham
Norfolk
NR19 1EE

Decision (including any steps ordered)

1. The complainant requested information from Breckland District Council ("the Council").
2. The Commissioner's decision is that the Council 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. As a response to the request has been provided no steps are required.

Request and response

4. On 4 May 2021, the complainant wrote to the Council and requested information in the following terms:
"Please may I have sight of the following documents by email:
 1. The COVID recovery document
 2. The Worksmart 20:20 project plan
 3. The Operational Recovery document"
5. The Council provided the complainant with a substantive response to their request on 1 July 2021.

Scope of the case

6. The complainant contacted the Commissioner on 17 September 2021 to complain about the length of time the Council took to respond to their request.
7. 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

8. 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."

9. 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".

10. 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 breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

11. 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

12. 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.
13. 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
Group Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF