

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 February 2023

Public Authority: Oxford City Council
Address: Town Hall
St Aldate's
Oxford
OX1 1BX

Decision (including any steps ordered)

1. The complainant requested from Oxford City Council ("the Council") information relating to financial support for organisations during the COVID-19 pandemic. The Council initially withheld the information under section 43(2) (commercial information). At internal review stage, the Council withdrew reliance upon section 43(2), and applied section 12 (costs), whilst at the same time offering the complainant advice and assistance in order to submit a request that would not engage section 12. The complainant has not disputed the Council's application of section 12, but has made a new request based on the Council's advice and assistance. To date, the Council has not issued a response to the complainant's new request.
2. The Commissioner's decision is that the Council has breached section 10, as it has not issued a response to the complainant's new request.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a response to the complainant's new request of 7 December 2022 in accordance with FOIA.
4. The 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 27 November 2021, the complainant wrote to the Council and requested information in the following terms:

“Please supply details of every 3rd party organisation that has received financial support from the council, to date, in relation to the Covid-19 pandemic. For the avoidance of doubt, this means any Covid-19 related payment from January 24th 2020.

Such support could take the form of grants, loans or waived fees or taxes.

Please provide me with the following details for each organisation supported:

- 1. The name, address, and registration number, if known, of the organisation supported.**
- 2. The value of the support provided, the nature of the support (grant, loan etc), the date payment was made.**
- 3. The name of the funding scheme or funding stream that the organisation qualified for.**

To be clear, I do not seek personal information, or information on financial support provided to individuals. Therefore, data protection concerns should not mitigate against providing this information.

I would prefer not to receive the requested information in pdf format files. Please supply the requested information in a machine readable format file, such as MS Excel or CSV format files.”

6. The Council responded on 29 December 2021. It stated that the requested information was withheld under section 43(2).
7. On 30 December 2021, the complainant wrote to the Council and asked for an internal review.
8. Following a delayed internal review, the Council wrote to the complainant on 7 November 2022. It no longer maintained that section 43(2) applied. Instead, it stated that it now applied section 12 (costs), and provided advice and assistance about what information it considered it would be able to provide within the cost limits:

"1. We may now be able to provide some of the information you requested, specifically: the type of grant, amount paid and date of payment. However, as details on a number of recipients are exempt from disclosure under Section 40 (personal data) of the Freedom of Information Act, the time required to extract the information we are able to disclose on recipients of the 10,126 separate grants the council has paid out as part of this scheme would exceed 18.5 hours and therefore would be subject to exemption from disclosure under Section 12 (time/cost limit) of the Freedom of Information Act. Could you confirm if you would like us to provide you with details of type of grant, amount paid and date of payment only?"

2. Given that since your original Freedom of Information request in November 2021 there have been subsequent Covid-19 grants and schemes issued can I check the timeframe for which you are requesting this information and whether you would also like information we have for the remainder of 2021 and 2022?"

9. Following correspondence, the Council wrote to the complainant further on 7 December 2022:

"If you would like us to provide you with the information we are able to, as set out below in Q1 and Q2, please could you advise and I will action accordingly."

10. On 7 December 2022, the complainant wrote to the Council and stated that they wished to make a new request based on the advice and assistance previously given by the Council (and quoted in paragraph 8):

"You wrote: If you would like us to provide you with the information we are able to, as set out below in Q1 and Q2, please could you advise and I will action accordingly."

YES, PLEASE ACTION ACCORDINGLY AND PROVIDE INFORMATION."

Reasons for decision

11. Section 1(1) of 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 10(1) of 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"**.
13. In the circumstances of this case, the Commissioner considers that the complainant made a new request on 7 December 2022, by confirming that they would request the information the Council had indicated it would be able to provide. However, to date the Council has not issued a response to this new request.
14. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the new request for information in accordance with FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the new request within 20 working days and it is now required to respond to the new request in accordance with 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

Daniel Perry
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF