

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 February 2023

Public Authority: North Yorkshire County Council

Address: County Hall
Racecourse Lane
Northallerton
North Yorkshire
DL7 8AL

Decision (including any steps ordered)

1. The complainant has requested information from North Yorkshire County Council ("the Council") relating to policies and procedures implemented by the Council's social complaints team.
2. The Commissioner's decision is that on the balance of probabilities, the Council has disclosed all the information it holds within the scope of the request. He does not require the Council to take any steps.

Request and response

3. On 29 December 2022, the complainant wrote to the Council and requested information in the following terms:

"Please provide details of any legislation, guidance, policy and procedures which allow the NYCC HAS Care and Support Service's social complaints team to automatically divert to them (the social complaints team) emails sent by a particular service user to any other NYCC/northyorks.gov.uk email address."

4. The Council responded on 3 January 2023 and provided the complainant with information within the scope of the request. However, it handled the request as a 'business as usual' request rather than as a freedom of information request.

5. On 4 January 2023 the complainant wrote to the Council to complain about its response to the request. The Council responded on the same date and upheld its original position.

Reasons for decision

6. This reasoning covers whether the Council was correct to handle the request as a 'business as usual' request rather than as a freedom of information request. It will also cover whether the Council has disclosed all the information it holds within the scope of the request.
7. Section 8 of FOIA states that in order for a request for information to be valid under the FOIA it must:
 - be in writing
 - state the name of the applicant and an address for correspondence, and
 - describe the information requested.
8. In its submissions to the Commissioner, the Council acknowledged that the request is a valid request for information under the FOIA. However, the Council considers that as the information requested was not above and beyond the everyday business of the Council, it was reasonable to respond to the request within the normal course of business.
9. The Council considers that it has provided the complainant with all the information it holds within the scope of the request. The Council explained that it has provided the complainant with a copy of its policy on unreasonably persistent complainants and stated that it holds no further information, such as legislation or guidance, which falls within the scope of the request.
10. The Commissioner considers the request to be a valid request for information under FOIA as it meets the requirements of section 8 of the FOIA. However, the Commissioner recognises that in some circumstances, it may be more appropriate for a public authority to deal with a request for information as 'normal course of business' rather than under FOIA if the requested information can be quickly and easily sent to the requester.
11. Regardless of whether the Council handled the request under normal course of business or under FOIA, the Commissioner is satisfied that the Council has identified all the information it holds within the scope of the request. Therefore, his decision is that on the balance of probabilities,

Reference: IC-209128-Q2H8



the Council does not hold further information within the scope of the request.

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