

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 13th February 2006

Name of Public Authority: Surrey County Council
Address of Public Authority: County Hall
Penrhyn Rd
Kingston upon Thames
Surrey
KT1 2DN

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint from the above person (the "complainant") which states that on 11th May 2005 the following information in relation to the closure of Frenches Rd, Redhill, Surrey, was requested from Surrey County Council under section 1 of the Freedom of Information Act 2000 (the "Act"):

"...details of the dates and data regarding the alleged public consultation over the past 20 years."

It is alleged that:

The information request was not complied with within 20 working days of receipt.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The request was made on 11th May 2005. Surrey County Council did not comply with this request until 20th September 2005, well outside 20 working days. The Council has therefore not dealt with the complainant's request in accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1).

Reference: FS50082265

Section 10(1) of the Act states:

“...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.”

Action Required

As the information requested by the complainant has been provided, albeit late, and the Commissioner is satisfied that Surrey County Council has since put in mechanisms to ensure that such requests are dealt with more promptly in future, the Commissioner hereby gives notice that he does not require any remedial steps to be taken by Surrey County Council in connection with this matter.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 13th day of February 2006

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF