

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 April 2013

Public Authority: Hickling Parish Council
Address: Church Cottage
Town Street
Hickling
Norwich
Norfolk
NR12 0BQ

Decision (including any steps ordered)

1. The complainant has requested a copy of Hickling Parish Council's (the council) code of conduct. The council did not communicate the requested information to the complainant until the Commissioner contacted the council about the complaint.
2. The Commissioner's decision is that the council has breached section 10(1) of the FOIA by providing its response outside of the statutory time limit of 20 working days. The Commissioner does not require the council to take any steps as a result of this notice.

Request and response

3. On 24 July 2012, the complainant wrote to the council and requested information in the following terms:

"As [parish clerk] is away I meant to ask you last night which code of Conduct the Parish Council adopted at the last meeting?"

I know you were considering NNDC Vs NALC but nothing has been put on the website and there are no minutes available.

Could you also be so good as to email me a copy of whichever one the Parish Council are now working under?"

4. Following the Commissioner's involvement in the case, the council provided the complainant with access to the requested information on 26 March 2013.

Scope of the case

5. The complainant contacted the Commissioner on 24 August 2012 to complain that she had not received a response to her request.
6. The Commissioner contacted the council about this complaint on 19 October 2012 to remind it of its responsibilities under the FOIA and ask it to respond to the request in accordance with the FOIA. As the council had still not complied with the request, the Commissioner wrote to it again on 14 February 2013 to further remind it of its obligations under the FOIA.
7. As the council has now provided the requested information to the complainant, the Commissioner considers the scope of the case to be to formally record a breach of section 10.

Reasons for decision

8. Section 10 of the FOIA requires that an information request should be responded to within 20 working days of receipt. In this case a valid response was not provided until 7 months following the date of the request. The council, therefore, breached section 10 of the FOIA in relation to the complainant's request.
9. Although this breach does not require remedial action, the council should ensure that there is no repetition of this delay in relation to future information requests.

Right of appeal

10. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

11. 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.
12. 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
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF