

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 August 2013

Public Authority: Oxfordshire County Council
Address: County Hall
New Road
Oxford
OX1 1ND

Decision (including any steps ordered)

1. The complainant requested information relating to data protection training given to particular staff members at Oxfordshire County Council ("the council"). The council refused to provide the specific information, citing the exemption under section 40(2) of the Freedom of Information Act 2000 ("the FOIA"). This exemption relates to personal data. The complainant complained to the Commissioner that it took longer than 20 working days for the council to respond to the request.
2. The Commissioner's decision is that the council breached section 17(1) of the FOIA because a refusal notice was not issued within 20 working days on this occasion.
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 5 April 2013, the complainant wrote to the council and requested information in the following terms:

"I am enquiring about the children education & families directorate and particularly senior officers that are tasked with answering –

Requests involving personal data known as subject access requests.

You are required to demonstrate that the staff members listed below have been given

A) Data Protection training and dates

B) Councils data protection guidance has been communicated read and understood and dates

[names of five members of staff].

You are required also to demonstrate that you have a system in place for checking whether data protection training has been completed”.

5. The council responded to the request on 7 May 2013. The council cited the exemption under section 40(2) of the FOIA in relation to the specific information requested and provided a general account of its processes relating to data protection training.

Scope of the case

6. The complainant contacted the Commissioner to complain that the council had not responded to the request within 20 working days.

Reasons for decision

7. Section 17(1) provides that when public authorities wish to refuse requests for information, they must do so within 20 working days. The council did not do this on this occasion. Albeit that its response was overdue by a very small margin, it breached this section of the FOIA.

Right of appeal

8. 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

9. 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.
10. 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