

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 November 2013

Public Authority: Havant Borough Council

Address: Public Services Plaza
Civic Centre Road
Havant PO9 2AX

Decision (including any steps ordered)

1. The complainant had requested that Havant Borough Council (the council) provide details of where the image capture procedure for the planning documents was being done. The council provided the complainant with the requested information but it did not do so within the statutory time for compliance.
2. The Commissioner's decision is that the council has not complied with section 10 (1) of the Freedom of Information Act 2000 (FOIA) in its handling of this request.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 2 June 2010 the complainant wrote to the council and requested information in the following terms:

'where is the image capture procedure for the planning documents being done'

5. The council responded to the request on 10 September 2012 providing details of the name and location of the company which carried out the image capture process and a link to its website.

Scope of the case

6. The complainant contacted the Commissioner to complain about the way his request for information had been handled. The Commissioner is

aware that the complainant had included additional requests for information within his correspondence to the council dated 2 June 2010. However, the Commissioner is to only consider that part of the request detailed in paragraph 4 and the delay in the council's response to this. Other matters raised by the complainant relating to these requests have already been considered under separate case reference numbers.

Reasons for decision

7. Section 1 (1) of the FOIA requires a public authority in receipt of a request to confirm whether it holds the requested information, and if so, to disclose it to the applicant.
8. The request was submitted on the 2 June 2010. The council did not respond until 10 September 2012, over two years later. The Commissioner therefore finds that the council did not make the information available within 20 working days and consequently finds a breach of section 10 (1) of the FOIA.

Other matters

9. The Commissioner has informed the complainant that he does not have the power to fine public authorities for breaches of the FOIA but that the delay in providing this response has been logged and will be used to monitor any persistent trends which might indicate that a public authority is routinely failing to respond within the statutory 20 working days permitted under section 10 of the DPA.

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
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Wycliffe House
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