

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice**

Date: 7 July 2015

Public Authority: Mill View Primary School
Address: Wealstone Lane
Upton-by-Chester
CH12 1HB

Decision (including any steps ordered)

1. The complainant has requested information from Mill View Primary School ("the School").
2. The Commissioner's decision is that the School has responded to the requests in accordance with the timeframe set out under the FOIA and the EIR.
3. As there has been no breach of the FOIA or the EIR, the Commissioner requires the School to take no steps.

Request and response

4. On 30 April 2015, the complainant wrote to the School and requested information in the following terms:

Please can you provide me with copies of the following information:
 - i) *All agendas and minutes of meetings of the school's Forest School Committee*
 - ii) *All agendas and minutes of governors meetings relating to the conversion to an academy*
5. Later the same day, the complainant submitted another request to the School. This was for the following information:

- iii) *Any and all information in relation to the schools original planning applications and consents – planning consent reference numbers 4710 and 4836 (copies of the planning applications, decision notices, approved drawings, etc.)*
6. The School responded to both requests on 2 June 2015. It explained that it held no information within the scope of requests i) and iii). However it provided the complainant with information that fell within the scope of ii).

Scope of the case

- 7. The complainant contacted the Commissioner on 29 May 2015 to complain about the way his request for information had been handled.
- 8. Specifically he argued that the School did not provide him with a response to his requests within the 20 working days as set out under section 10 of the FOIA.
- 9. After reviewing request iii), the Commissioner considers that the information sought is environmental information and should have been handled under the EIR.
- 10. The Commissioner has therefore had to consider whether the School has handled requests i) and ii) in accordance with section 10 of the FOIA and request iii) in accordance with regulation 5 of the EIR.

Reasons for decision

Section 10 of the FOIA

- 11. Section 10 of the Act states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt"*.
- 12. The complainant submitted requests i) and ii) to the School on 30 April 2015 and a response was sent on 2 June 2015. During this period, there were two bank holidays and a Whitsun half term which are considered to

be non-working days¹. In light of this, the School responded to the request on the 17th working day.

13. The Commissioner's decision therefore is that the School has dealt with requests i) and ii) in accordance with the FOIA. It has not breached section 10(1) of the FOIA as alleged by the complainant as a response to the request was provided within the statutory timeframe of 20 working days.

Regulation 5 of the EIR

14. Regulation 5(1) of the EIR says that:

"Subject to paragraph (3) and in accordance with paragraphs (2), (4), (5) and (6) and the remaining provisions of the Part and Part 3 of these Regulations, a public authority that holds environmental information shall make it available on request".

15. Regulation 5(2) of the EIR says that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request".

16. The complainant submitted request iii) on 30 April 2015 and the School provided its response on 2 June 2015. Similarly to paragraph 12, during this period, there were two bank holidays and Whitsun half term which are considered to be non-working days. The School therefore responded to the request on the 17th working day.
17. The Commissioner is therefore satisfied that the School confirmed that it held no information within the scope of request iii) within 20 working days and it has therefore complied with regulation 5 of the EIR.
18. The Commissioner requires the School to take no steps.

¹ <https://ico.org.uk/media/for-organisations/documents/1165/time-for-compliance-foia-guidance.pdf>

Right of appeal

19. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

20. 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.
21. 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

Rachael Cragg
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