

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 November 2015

Public Authority: Cheshire West and Chester Council
Address: HQ Building
58 Nicholas Street
Chester
CH1 2NP

Decision (including any steps ordered)

1. The complainant has requested information in relation to correspondence received from the Local Government Ombudsman. The council provided its response, but provided its response outside the required 20 working days following receipt of the request. The Commissioner's decision is that the council has breached section 10(1) of the FOIA, in responding outside the required timeframe.
2. As the council has provided a response, the Commissioner does not require it to take any steps.

Request and response

3. On 7 July 2015, the complainant requested the following information from the council:

"I hereby request the following information. On February 27th 2015 I received the attached letter and document bundle from the Local Government Ombudsman (LGO).

You will note the redactions that have been applied on pages 5, 53 and 87. Given the length of these redactions it is clear that these redactions are not simply personal data.

I hereby request that the council should provide me with:

1. *Copies of these pages (5, 53 and 87) with the redactions removed*
2. *Copies of all correspondence exchanged between the council and the LGO in relation to the case in question"*
4. The council acknowledged receipt of the request on the 5 August 2015
5. The complainant contacted the Commissioner on the 20th August 2015 to complain that he had not received a response to his information request.
6. The council issued its response to the complainant on the 26 August 2015.

Scope of the case

7. Following the council's response, the complainant has requested that the Commissioner issue a decision notice recording the council's delayed response to his request.
8. The Commissioner considers the scope of the case is to determine whether the council breached section 10(1) of the FOIA.

Reasons for decision

9. Section 10(1) of FOIA states that a public authority must respond to an information request, in accordance with section 1, within 20 working days following receipt of a request.
10. In this case, the request was made on the 7 July 2015 and the council did not provide its response until 26 August 2015, some 35 working days after the request was received.
11. As this is outside the required 20 working days, the Commissioner finds that the council has breached section 10 (1) of the FOIA. As the council has now provided its response, the Commissioner does not require it to take any steps.

Right of appeal

12. 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

13. 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.
14. 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
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