

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 13 September 2016

**Public Authority:** Plymouth City Council  
**Address:** Ballard House  
West Hoe Road  
Plymouth  
PL1 3BJ

#### Decision (including any steps ordered)

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1. The complainant has requested a copy of a contract between Plymouth City Council and Plymouth Guild Plymouth Carers Hub. Plymouth City Council provided a copy of the contract on the twentieth working day.
2. The Commissioner's decision is that Plymouth City Council has responded 'promptly' in accordance with section 10(1) of the FOIA.
3. The Commissioner does not require Plymouth City Council to take any steps as a result of this decision.

#### Request and response

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4. On 27 October 2015, the complainant wrote to Plymouth City Council (PCC) and requested information in the following terms:  
*"Please forward a copy of the commissioned publicly funded contract between Plymouth City Council and Plymouth Guild Plymouth Carers Hub, the service specification, the monitoring plan, The Service Level Agreement, and the financial value of this contract and duration, to carry out Statutory Carers Assessments under the Care Act 2014 which commenced 1 September 2015".*
5. On 30 October 2015, PCC acknowledged receipt of the request. On the same day, the complainant requested the relevant abbreviations/ acronyms. This was in relation to a previous request PCC had received

from the complainant and responded to. It provided the complainant with a copy of the requested abbreviations/acronyms.

6. PCC responded to the present request on 24 November 2015, the twentieth working day following the date of receipt.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 4 January 2016 to complain about the way in which PCC handled her request. She also complained that it had not sent her an accurate copy of abbreviations/acronyms in relation to the requested contract. However, the Commissioner does not have the legal remit to investigate whether the correct abbreviations/acronyms were sent to the complainant or not.
8. During the Commissioner's investigation, PCC explained that the complainant had submitted one request on 7 October 2015 and the present request on 27 October 2015. With regard to the present request, there were only four abbreviations which were explained in the information it had sent to the complainant and PCC had also explained this to her. The Commissioner will not be considering this point any further.
9. The Commissioner notes that PCC responded to the complainant on the twentieth working day. She will therefore consider whether PCC has responded 'promptly' to the complainant for the purposes of section 10 of FOIA.

### **Reasons for decision**

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10. Section 10(1) of FOIA states that a public authority must comply with section 1(1) promptly and no later than 20 working days following receipt of the request.<sup>1</sup>

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<sup>1</sup> Section 1(1) states that: ' Any person making a request for information to a public authority is entitled (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and (b) if that is the case, to have the information communicated to him.'

11. For the purposes of section 10(1), public authorities must respond 'promptly' to a request. In this case, PCC responded to the complainant on the twentieth working day, providing her with a copy of the contract. Therefore, it is necessary to investigate PCC's actions in preparing its response, in order to determine whether the response was provided 'promptly'.
12. The Commissioner asked PCC to explain why it had not responded to the complainant until the twentieth working day. PCC explained that within its Customer Relations Team there is a single information access officer who deals with FOIA requests for Adult Special Care, Children's Social Care and Education. It also explained that there were another two information access officers who deal with requests for access to personal data (eg disclosures in relation to safeguarding or criminal matters and court ordered disclosures). PCC explained that these three officers deal with all of the FOIA and data protection disclosures for the three council departments.
13. Furthermore, PCC explained that at the time of the request, the information access officer responsible for handling FOIA requests was dealing with 29 requests in total, which rose to 31 by the 24 November 2015. In addition, the remaining two information access officers had received 33 data protection requests (including nine subject access requests) and therefore could not assist with the FOIA requests.
14. PCC also explained that the complainant's requests were being dealt with by a single point of contact under sections 101 and 111 of the Local Government Act 1972. PCC explained that the imposition of a single point of contact on a member of the public was not a matter that it took lightly. However, due to the considerable strain on time and resources resulting from the volume and nature of the complainant's communications with it, PCC had found itself in the unfortunate position of having to use the powers conferred upon it by sections 101 and 111 of the Local Government Act 1972, in order to protect both its resources and to safeguard the wellbeing of its staff.
15. In addition, PCC explained that during the period of 27 October to 24 November 2015, there had been 44 pieces of correspondence between the complainant and the person acting as the single point of contact.
16. PCC also explained that, as it was dealing with a large number of requests at the time of the present request, it could not prioritise this request over any other requests it had received, as this would not have been fair.
17. The Commissioner notes that PCC has only got a small team to deal with both FOIA and DPA requests. She also notes that for the 20 working day

time period of 27 October to 24 November 2015 it received 31 FOIA requests for information; she also notes that it was not possible for the officer dealing with these requests to have any help as the remaining two information access officers were dealing with 33 data protection requests.

18. Furthermore, the Commissioner notes that PCC has had to appoint a single point of contact to deal with the complainant's correspondence. She also notes that during the time period of 27 October to 24 November 2015, there had been 44 pieces of correspondence between the complainant and the single point of contact.
19. Taking all of these factors into account, the Commissioner considers that PCC's initial response was provided 'promptly'. She therefore considers that PCC has not breached section 10(1).

## Right of appeal

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20. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

21. 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.
22. 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**