

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 February 2017

Public Authority: Bridgend County Borough Council
Address: Civic Offices
Angel Street
Bridgend
CF31 4WB

Decision (including any steps ordered)

1. The complainant requested various reports relating to Coety Primary School. Bridgend County Borough Council ('the Council') withheld the information under section 43(2) of the FOIA. During the course of the Commissioner's investigation the Council withdrew reliance on section 43 of the FOIA and disclosed the information, subject to a small amount of personal data being redacted under section 40(2). In failing to comply with section 1 within the statutory timescale the Commissioner finds that the Council breached section 10 of the FOIA. The Commissioner does not require any steps to be taken.

Request and response

2. On 17 October 2016 the complainant wrote to the Council and requested information in the following terms:

"I would like to make a Freedom of Information Request regarding Coety Primary School.

I would like to request

the Electrostatic Report,

the report on the ventilation undertaken by Melin,

and any reports conducted by the Fire Officers”.

3. The Council responded on 14 November 2016 and referred to a response to a previous request from the complainant for the Electrostatic Report where the Council had indicated that the information was considered exempt under section 43 of the FOIA. The Council confirmed that it held a copy of the ventilation report and fire officer assessments, but the information was also considered to be exempt under section 43 of the FOIA.
4. On 14 November 2016 the complainant requested an internal review of the Council's refusal to disclose the information requested.
5. The Council provided the outcome of its internal review on 24 November 2016 and upheld its decision that the information requested was exempt under section 43(2).

Scope of the case

6. The complainant contacted the Commissioner on 24 November 2016 to complain about the way her request for information had been handled.
7. During the course of the Commissioner's investigation, the Council withdrew reliance on section 43 of the FOIA and provided the information requested. The Council made a number of disclosures, but each time the complainant raised concerns that the Council had not identified all the information held relevant to the request. This prompted additional disclosures from the Council. The Council redacted some personal data under section 40(2) from the information disclosed, but the complainant did not raise any concerns about these redactions. However, the complainant did express concern at the piecemeal disclosure of the information she had requested and the delays in providing it.
8. In light of the above, the scope of the Commissioner's investigation into this complaint is whether the Council complied with its procedural obligations under the FOIA in its handling of the request of 17 October 2016.

Reasons for decision

Section 10(1) – time for compliance

9. Section 10(1) of the FOIA requires that a public authority complies with section 1(1) promptly and in any event not later than 20 working days

following the date that a request was received. Section 1(1) states that a public authority should confirm whether it holds relevant recorded information and, if so, to communicate that information to the applicant.

10. The request in this case was made on 17 October 2016 and the Council initially withheld all of the information requested under section 43. It was not until after the Commissioner commenced her investigation that the Council disclosed any information relating to the request. The information held was disclosed on a piecemeal basis on a number of separate occasions, as detailed below:

- 21 December 2016 - a summary of the reports requested
- 23 January 2017 – copies of electrostatic report, ventilation report and fire officer report
- 6 February 2017 - additional fire reports (identified as being relevant to the request)
- 7 February 2017 - additional ventilation report (identified as being relevant to the request)

11. In failing to provide the information requested within 20 working days of receipt the request, the Commissioner finds that the Council breached section 10(1) of the FOIA. The Commissioner has also commented on the piecemeal disclosure of information in the other matters section of this notice below.

Other matters

12. The Commissioner believes that it is appropriate to comment on the piecemeal identification of information falling within the scope of the request by the Council.

13. During the course of her investigation of this complaint it was necessary for the Commissioner to query the extent of the searches conducted by the Council. Both the Commissioner and the complainant raised queries with the Council about the scope of information held relevant to the request. Most, if not all of these queries resulted in the identification of further information falling within the scope of the request and as a consequence information was disclosed on a piecemeal basis. Whilst the Commissioner does not expect public authorities to conduct an extensive, unfocused search of all its records in every case, she does expect that a reasonable and proportionate search is conducted at the outset to prevent such piecemeal disclosure of information occurring.

Right of appeal

14. 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

15. 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.
16. 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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Wycliffe House
Water Lane
Wilmslow
Cheshire
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