

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

Date: 17 August 2017

Public Authority: Wrexham County Borough Council
Address: Guildhall
Wrexham
LL11 1AY

Decision (including any steps ordered)

1. The complainant requested a copy of any reports or plans held by Wrexham County Borough Council ('the Council') relating to the former Grove Park School in Wrexham which were produced in 2012/13.). The Council failed to respond within the statutory 20 working days prescribed by FOIA. The Commissioner's decision is that the Council breached section 10(1) of the FOIA as it did not respond to the request within the timescale for compliance. As a substantive response has been provided to the complainant, the Commissioner does not require any remedial steps to be taken.

Request and response

2. On 12 January 2017, the complainant wrote to the Council and requested information in the following terms:

"Please provide a copy of any report or plans produced by G V A Grimley Ltd that relates to the former Grove Park School in Wrexham.

These would have been produced towards the end of 2012 or early in 2013".

3. The complainant wrote to the Council to chase a response to his request on 15 February 2017.
4. Following correspondence from the Commissioner, the Council provided a response to the request on 8 March 2017.

Scope of the case

5. The complainant contacted the Commissioner on 19 April 2017 and asked her to issue a decision notice in respect of the Council's failure to respond to the request within the statutory timescale.

Reasons for decision

Sections 1 and 10

6. Sections 1 and 10 of the FOIA provide a general right of access to recorded information held by public authorities. These sections provide that when a written request for information is made, the public authority must state whether it holds that recorded information within 20 working days. If it does, it must provide that information within 20 working days unless a valid reason for not doing so exists under the FOIA. If such a reason does exist, a refusal notice should be issued in accordance with section 17 of the FOIA, again within 20 working days.
7. In this case the Council failed to respond to the request within the 20 working day timescale. By not complying with section 1(1) within twenty working days of receipt of the request, the Council breached section 10(1) of the FOIA.

Right of appeal

8. 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

9. 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.
10. 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

David Teague
Regional Manager (Wales)
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF