

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 May 2017

Public Authority: Liverpool Institute for Performing Arts
Address: Mount Street
Liverpool
L1 9HF

Decision (including any steps ordered)

1. The complainant has requested information on library fines paid to Liverpool Institute for Performing Arts (LIPA). LIPA has failed to respond to this request for information.
2. The Commissioner considers that LIPA breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - LIAP must provide the complainant with a response to this request in accordance with its obligations under FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 6 February 2017 the complainant made the following request via the WhatDoTheyKnow website to LIPA:

"I am writing to ask about library fines during the academic year 2015/2016. For the time period starting from the first day of term, covering the next 364 days (e.g. one full year), please provide:

- 1) The total amount of money the library received from the payment of overdue items. Exclude costs of replacing lost books – this request solely relates to the cost of books that are returned later than their due date.*
 - 2) Information about where this money then goes (is it absorbed into a specific library budget for example? If so what one?)*
 - 3) If possible, from the figure provided in 1, break this down by*
 - a) category of user paying fine (e.g. undergraduate, postgraduate, staff)*
 - b) country of origin of user paying fine (e.g. France, Italy, US). If only broader categories are possible e.g. "EU", "non-EU" then please provide this instead."*
6. LIPA did not respond to this request despite it being sent via the WhatDoTheyKnow website and several follow-up emails being sent by the complainant. The Commissioner wrote to LIPA on 21 April 2017 and at the date of this notice LIPA had not provided a response to the request.

Scope of the Case

7. The complainant contacted the Commissioner on 7 April 2017 and again on 8 May 2017 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether LIPA dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

9. Section 10(1) provides that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."
10. Section 1(1) provides 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 that information communicated to him."*

11. The request was made on 6 February 2017 and a response is yet to be provided. The Commissioner therefore finds that LIPA breached section 10(1) in failing to respond within 20 working days.

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

Jill Hulley
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF