

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 March 2019

Public Authority: Highways England
Address: Piccadilly Gate
Store Street
Manchester
M1 2WD

Decision (including any steps ordered)

1. The complainant requested information regarding correspondence between Highways England and Mrs Gillian Keegan MP. Highways England (HE) did not respond within the statutory 20 working days prescribed by FOIA.
2. The Commissioner's decision is that in failing to communicate to the complainant the information it held to fulfil the request within the statutory timescale of 20 working days, HE breached section 10(1) (time for compliance) of the FOIA.

Request and response

3. On 20 September 2018 the complainant made the following request for information:

'Could I please have copies of all correspondence between Highways England and the MP for Chichester Mrs Gillian Keegan. I would also like copies of any meeting minutes, agendas, papers etc associated with Highways England responding to or processing meetings, phone calls or correspondence with the MP for Chichester since her appointment.'

4. After considerable correspondence on the clarification of this request, HE responded on 26 October 2018. It provided the requested information withholding some personal details.
5. HE carried out a review on 19 April 2018 apologising for the delays in this case.

Scope of the case

6. The complainant contacted the Commissioner on 20 November 2018 to complain about the delay in obtaining a response and after providing further documents the case was accepted on 21 December 2018.
7. The complainant argued that HE '*are relying on inappropriate exemptions*' by seeking clarification to extend the deadlines when responding to a request. The Commissioner notes that when HE sought clarification on the FOIA request it was not relying on an exemption to refuse to respond to the request.
8. The Commissioner therefore considers that the scope of the case is to determine whether HE made a procedural breach of the FOIA, in particular with regard to section 10(1) – time for compliance.

Reasons for decision

Section 10 – time for compliance

9. Section 10 of the FOIA provides that a public authority should respond to a request for information within 20 working days. The Commissioner has found a breach in this case because the public authority did not respond within 20 working days.

Right of appeal

10. 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

11. 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.
12. 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

Pamela Clements
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Wilmslow
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SK9 5AF