

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 November 2019

Public Authority: Bristol City Council

Address: City Hall
College Green
Bristol
BS1 5TR

Decision (including any steps ordered)

1. The complainant requested information from Bristol City Council ("the Council") relating to the Cumberland Basin Redevelopment.
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - The Council must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council 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 August 2019, the complainant wrote to the Council and requested information in the following terms:

"Dear Bristol City Council,

I wish to see any and all the information supplied to BBC Radio Bristol regarding the Cumberland Basin redevelopment. As referred to in this tweet:

<https://twitter.com/FreyaGLee/status/115...>"

6. The Council wrote to the complainant on 6 August 2019 to acknowledge the request.
7. On 6 September 2019, the complainant contacted the Council to request an update on his request. On the same date the Council acknowledged this.
8. On 18 September 2019, the complainant again contacted the Council to ask for an update on his request.
9. On 4 October 2019, the complainant asked the Council for an internal review.
10. The complainant has provided evidence that he has received acknowledgments from the Council but, by the date of this notice, has not receive a substantive response to his information request.

Scope of the case

11. The complainant contacted the Commissioner on 25 October 2019 to complain about the Council's failure to respond to his request.
12. The Commissioner contacted the Council on 6 November 2019 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
13. The Commissioner also contacted the complainant on 6 November 2019 to explain that the Council had been given 10 working days from 6 November 2019 within which to provide a response to his request.
14. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

15. Section 10 of the FOIA 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 that information communicated to him.

16. The Commissioner considers that the request in question fulfilled the above criteria and therefore constituted a valid request for recorded information under the FOIA.

17. Section 10 of the FOIA states that responses to requests made under the Act must be provided, "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

18. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of the FOIA.

Right of appeal

19. 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@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

20. 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.
21. 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

**Ben Tomes
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**