

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 September 2020

Public Authority: General Optical Council
Address: 10 Old Bailey
London
EC4M 7NG

Decision (including any steps ordered)

1. The complainant requested from the General Optical Council (“the GOC”) a copy of the Register of Interests for the GOC council members. By the date of this notice the GOC had failed to issue a substantive response to this request.
2. The Commissioner’s decision is that the GOC has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the GOC to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant’s request in accordance with the FOIA.
4. The GOC 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 21 May 2020, the complainant wrote to the GOC and requested information in the following terms:

"To Whom it May Concern at the General Optical Council, I would like to make a request for the 'Register of Interests' (as mentioned in your 'Management of Interests Policy') for all incumbent GOC council members covering the individual tenures of their service within their role as council member.

I ask that the request be fulfilled via email."

6. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 11 July 2020 to complain about the failure by the GOC to respond to his request.
8. The Commissioner has considered whether the GOC has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. Section 1(1) 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.

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt."
11. On 19 August 2020 the Commissioner wrote to the GOC, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. Despite this intervention the GOC has failed to respond to the complainant.

13. From the evidence provided to the Commissioner in this case, it is clear that the GOC did not deal with the request for information in accordance with the FOIA. The Commissioner finds that GOC has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

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@justice.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

Ben Tomes
Team Manager
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Water Lane
Wilmslow
Cheshire
SK9 5AF