

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **8 September 2021**

Public Authority: **West Midlands Combined Authority**

Address: **16 Summer Lane
Birmingham
West Midlands
B19 3SD**

Decision (including any steps ordered)

1. The complainant requested information from West Midlands Combined Authority (WMCA) relating to the business case for Coventry's all-electric city bus plan. By the date of this notice, WMCA had not provided a substantive response to the request.
2. The Commissioner's decision is that WMCA has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires WMCA to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. WMCA 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 25 March 2021, the complainant wrote to WMCA and requested information in the following terms:

"I would like to request the final business case document(s) for the Coventry All-electric bus city plan (approved by WMCA on 19 March 2021)

(https://www.coventry.gov.uk/news/article/3786/all-electric_bus_city_plan_backing_finalised)."

6. WMCA wrote to the complainant on 25 March 2021 to acknowledge the request.
7. On 30 April 2021, as the complainant had not received a response, he wrote to WMCA to request and update on the status of his request.
8. WMCA wrote to the complainant on 10 May 2021 to provide him with an update on the status of his request. By the date of this notice, WMCA had not provided the complainant with a substantive response to his request.

Scope of the case

9. The complainant contacted the Commissioner on 23 July 2021 to complain about WMCA's failure to respond to his request.
10. The Commissioner contacted WMCA on 19 August 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
11. The Commissioner also contacted the complainant on 19 August 2021 to explain that WMCA had been given 10 working days from that date within which to provide a response to their request.
12. The complainant has provided evidence that he has received an acknowledgement from WMCA but, by the date of this notice, had not received a substantive response to his information request.
13. The scope of this notice and the following analysis is to consider whether WMCA has complied with section 10 of the FOIA.

Reasons for decision

14. Section 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.*
15. 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.”*
16. WMCA did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner’s decision is that WMCA has breached section 10 of the FOIA.

Right of appeal

17. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

18. 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.
19. 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

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