

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 18 October 2021

**Public Authority:** St Helens Borough Council  
**Address:** Wesley House  
Corporation Street  
St Helens  
WA10 1HF

#### **Decision (including any steps ordered)**

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1. The complainant requested from St Helens Borough Council (“the Council”) information relating to the Council’s response times for freedom of information requests. By the date of this notice, the Council had not provided a substantive response to the request.
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.
  - 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

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5. On 4 August 2021, the complainant wrote to Council via the What Do They Know website and requested information in the following terms:  
  
*"For the calendar years 2018, 2019, 2020 and 2021 (to date) please tell me how many freedom of information requests you have recorded, how many of those requests you have fully responded to within the statutory response date, how many you have responded to outside that date, how many you have not responded to which are outside that date, and what is your average response time for those that you respond to."*
6. The Council wrote to the complainant on 4 August 2021 to acknowledge the request.
7. On 3 September 2021, as the complainant had not received a response, he wrote to the Council to ask for an update on the status of his request.
8. The Council wrote to the complainant on 3 September 2021 to provide him with an update on the status of his request.
9. On 11 September 2021, the complainant wrote to the Council to ask for a further update on the status of his request.
10. By the date of this notice, the Council had not provided the complainant with a substantive response to his request.

## Scope of the case

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11. The complainant contacted the Commissioner on 11 September 2021 to complain about the Council's failure to respond to his request.
12. The Commissioner contacted the Council on 30 September 2021 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 30 September 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to their request.
14. The complainant has provided evidence that he has received an acknowledgement from the Council but, by the date of this notice, had not received a substantive response to his information request.

15. 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**

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16. 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.*
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

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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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

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