

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 March 2021

Public Authority: Morecambe Town Council
Address: Morecambe Town Hall
Marine Road
Morecambe
Lancashire
LA4 5AF

Decision (including any steps ordered)

1. The complainant requested information relating to the website of Morecambe Town Council (the Council), as well as copies of timesheets for the proper officer. By the date of this notice the Council had not responded to this request.
2. The Commissioner's decision is that the Council breached sections 1 (general right of access) and 10 (time for compliance) of the FOIA, by failing to respond within 20 working days of receipt of the request.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
 - The Council must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council must take this step 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 2 December 2020, the complainant wrote to the council and requested information in the following terms:

"FOI request – all data contained on the second generation Town Council website & copies of weekly Proper Officer timesheets from 31 July 2020..."

...I am lodging a freedom of request to be provided with all the data contained on the second generation website in a comprehensible form prior to it having being taken off line by [Redacted] and also the total (ALL) costs incurred for the operation of the second generation website throughout its term (including Officer costs and supplying copies of all invoices associated with these costs)"

6. The request was not acknowledged or responded to.

Scope of the case

7. The complainant contacted the Commissioner on 25 January 2021 to complain about the failure, by Morecambe Town Council, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the Council on 5 February 2021 to highlight the outstanding response. She requested that the Council respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The complainant contacted the Commissioner on 20 February 2021 to request a decision notice considering the Council's compliance with the FOIA.
10. 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

11. 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.*

12. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

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

14. 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."*

15. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Council has breached section 10 of the FOIA.

Right of appeal

16. 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

17. 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.
18. 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