

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 July 2022

Public Authority: Hughenden Parish Council
Address: Council Office
The Common
Great Kingshill
High Wycombe
HP15 6EN

Decision

1. The complainant requested information from Hughenden Parish Council ("the Council") relating to the payment of legal fees. The Commissioner's decision is that the Council is not entitled to rely on section 21 (information reasonably accessible by other means) to refuse to provide the requested information.
2. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Issue a fresh response to the request which clearly confirms or denies whether the requested information is held. If the requested information is held, that information should either be disclosed, or the Council should provide an adequate refusal notice.
3. 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 FOIA and may be dealt with as a contempt of court.

Request and response

4. The complainant made the following information request to the Council on 17 November 2021:
 - “(i) On what basis HPC has been making payments to HCST solicitors. Is there a relevant Council resolution? Or correspondence setting out what HPC agreed to pay?
 - (ii) How many payments have been made to HCST’s solicitors, when and for how much?
 - (iii) Under what power were the payments made?
 - (iv) Assuming that these payments were not approved as grants, what options has HPC got for lawfully authorising the payments?
 - (v) What options are there for any payments in future?”
5. The Council refused to provide the requested information as the information is already available on its website.

Reasons for decision

6. The Council has not specified which section of the FOIA it is relying on to refuse to provide the requested information. However, as the Council has stated in its response to the request that it is refusing to provide the requested information as the information is available on its website, the Commissioner considers that the Council is relying on section 21 (information reasonably accessible by other means) of the FOIA to refuse to provide the requested information. Therefore, this reasoning covers whether the Council is correct to apply section 21 of the FOIA to the request.
7. The Council’s position is that the requested information is already accessible to the complainant as the information is on the Council’s website.
8. The Commissioner considers that whilst the Council has stated in its response to the request that the requested information is available on its website, as the Council has not directed the complainant to the specific location of the requested information on its website, the requested information is not reasonably accessible to the complainant.
9. Therefore, as the requested information is not reasonably accessible to the complainant, the Commissioner’s decision is that the Council is not

entitled to rely on section 21 of the FOIA to refuse to provide the requested information.

10. The Commissioner provided the Council with the opportunity to conduct an internal review and provide further details about the location of the requested information on the Council's website. However, the Council did not provide the complainant with the outcome of its internal review.
11. The Commissioner requires the Council to provide the complainant with a fresh response to their request which confirms or denies whether the requested information is held. If the requested information is held, that information should either be disclosed to the complainant or an adequate refusal notice should be provided. To comply with that step, it will not be sufficient for the Council to direct the complainant to its website again, without specific instructions on where to find within that website all of the information requested.

Right of appeal

12. 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 <mailto:GRC@hmcts.gsi.gov.uk>

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

13. 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.
14. 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
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF