

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 April 2023

Public Authority: Canal and River Trust

Address: National Waterways Museum
South Pier Road
Ellesmere Port
Cheshire
CH65 4FW

Decision (including any steps ordered)

1. The complainant requested information about a court case in relation to the British Waterways Act 1995. By the date of this notice Canal and River Trust (the CRT) had not issued a substantive response to this request.
2. The Commissioner's decision is that the CRT has breached section 10(1) of 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 CRT to take the following step to ensure compliance with the legislation.
 - The CRT must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The CRT 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 18 December 2022, the complainant wrote to the CRT and requested information in the following terms:

"Please advise which case, brought to court after the Swan Hill adjudication that effectively overturned the conclusion of the Select Committee decision?"
6. On 20 December 2022 the CRT responded stating that it would not respond to the request as it considered the request invalid.
7. The complainant requested the CRT to reconsider its position on 30 December 2022. On 23 February 2023 the CRT stated that it now considered the request was valid and would provide a response in due course.
8. To date, a substantive response has not been issued.

Scope of the case

9. The complainant contacted the Commissioner on 6 March 2023 to complain about the CRT's failure to respond to their request.
10. The Commissioner has considered whether the CRT has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

11. Section 1(1) of 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 10(1) of 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".

13. On 27 March 2023 the Commissioner wrote to the CRT, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
14. Despite this intervention the CRT has failed to respond to the complainant.
15. From the evidence provided to the Commissioner in this case, it is clear that the CRT did not deal with the request for information in accordance with FOIA. The Commissioner finds that the CRT 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 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Michael Lea
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF