

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

### **Decision notice**

**Date:** 17 May 2023

**Public Authority:** Walsall Council  
**Address:** Civic Centre  
Walsall  
WS1 1TP

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

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1. The complainant requested information relating to the land at Oakwood Close, Walsall Wood. By the date of this notice Walsall Council had not issued a substantive response to this request.
2. The Commissioner's decision is that Walsall Council has breached section 10(1) of FOIA as it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires Walsall Council to take the following step:
  - Walsall Council must provide a substantive response to the request in accordance with its obligations under FOIA.
4. Walsall 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 FOIA and may be dealt with as a contempt of court.

#### **Request and response**

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5. On 8 August 2022, the complainant made the following request for information from Walsall Council:

"I would also request that all documentation held by the Council in relation to the Land is released to me within the next 12 weeks in accordance with the Freedom of Information Act."
6. On 15 November 2022, Walsall Council acknowledged the complainant's request and provided some information relating to the land.

7. The complainant acknowledged receipt of Walsall Council's letter on 15 December 2022 but stated that its response did not comply with their FOIA request.
8. On 1 March 2023 Walsall Council wrote to the complainant, upholding their complaint that the FOIA request had not been responded to. It confirmed to the complainant that the request had now been sent to its Assurance/Information Rights Service so that it could be processed correctly, and that it would disclose any available information as a matter of priority.
9. To date, a substantive response has not been issued.

### **Reasons for decision**

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10. 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."

11. 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".
12. On 18 February 2023, the Commissioner wrote to Walsall Council asking it to provide a substantive response to the complainant's request within 10 working days.
13. Walsall Council acknowledged receipt of the Commissioner's correspondence on 21 February 2023 and confirmed that the complaint had been logged for review and access.
14. Walsall Council wrote to the Commissioner on 7 March 2023, confirming that the appeal response to the FOIA request had been completed and issued to the complainant (as described in paragraph eight of this notice).
15. The Commissioner wrote to Walsall Council on 8 March 2023 asking it to confirm to him when a response was sent to the complainant and

provide a copy of its response. However, the Commissioner did not receive a response to this request.

16. The complainant subsequently contacted the Commissioner on 3 May 2023 to confirm that Walsall Council had still not responded to their request for information.
17. From the evidence provided to the Commissioner in this case, it is clear that Walsall Council did not deal with the request for information in accordance with FOIA. The Commissioner finds that Walsall Council 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

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18. 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)

19. 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.
20. 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 .....**

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**