

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **6 September 2023**

Public Authority: **Brecon Beacons National Park Authority**

Address: **Plas Y Ffynnon
Cambrian Way
Brecon
LD3 7HP**

Decision (including any steps ordered)

1. The complainant requested information from the public authority relating to emails sent to Talybont-on-Usk Community Council. By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority 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 11 June 2023, the complainant wrote to the public authority and requested information in the following terms:

"I am writing today (11th June 2023) to request the following information please?

1. All correspondence (whether by email, letter or other) between any officer of the Park

Authority including the Chief Executive and the following people connected with Talybont-on-Usk Community Council, for the period from 1st January 2023 to 11th June 2023:

- a. The Clerk to the Council using [REDACTED]
- b. The acting clerk to the Council using [REDACTED]or [REDACTED]
- c. The Chair of the Community Council using [REDACTED]
- d. The County Councillor for the Talybont on Usk Community Council area – [REDACTED] using [REDACTED]

2. In order to assist you in your search, I require all correspondence but in particular that relating to Gilestone Farm, Green Man, Green Man festival, [REDACTED], [REDACTED]of the Welsh Government and the Usk Valley Conservation Group and in addition any correspondence which includes the words 'bullying', 'nest of vipers', or similar.

I am aware that this request places a demand on you and I can assure you that I would not be seeking this information if it was not of importance."

6. The public authority acknowledged the requested on 13 June 2023.

Reasons for decision

7. 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."

8. 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".
9. On 17 August 2023, the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention the public authority has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Daniel Perry
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF