

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

### **Decision notice**

**Date:** 21 December 2023

**Public Authority:** West of England Combined Authority

**Address:** 3 Rivergate  
Bristol  
BS1 6ER

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

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1. The complainant requested information from West of England Combined Authority (the public authority). 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**

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5. On 27 September 2023, the complainant wrote to the public authority and requested information in the following terms:

"Hello FOI team,

I would be grateful if you would provide the work diaries for [name redacted]'s employment as:

the director of investment and corporate services;

acting interim chief executive and director of investment and corporate services; and

acting interim chief executive.

I would also be grateful if you would provide the recorded information relating to [name redacted]'s appointment to each role above. This might include, for example, tendering processes for the third party company involved, interview panels, letters of appointment, emails between the authority and [name redacted] confirming the appointments and so on."

## Reasons for decision

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6. 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."

7. 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".

8. On 23 November 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.

9. The Commissioner further advised the public authority on both 23 November 2023 and 19 December 2023 that this information request differed to a similarly worded request submitted by the same complainant on 25 August 2023 – to which the public authority has already responded. Each request, however, sought entirely different

recorded information – and therefore required its own separate response.

10. The public authority has responded to these interventions by providing the Commissioner with copies of its response to the request of 25 August – despite this being a different request.
11. The public authority has not provided any evidence that demonstrates that it has responded to the request set out above, dated 27 September 2023.
12. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the above 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

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13. 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)

14. 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.
15. 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 .....**

**Roger Cawthorne**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**