

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 5th July 2005

Name of Public Authority: Cornwall County Council
Address of Public Authority: County Hall
Treyew Road
Truro
Cornwall
TR1 3AY

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 11 January 2005 the following information was requested from Cornwall County Council under section 1 of the Freedom of Information Act 2000 (the "Act"):

"A copy of the approved drawing relating to the Section 278 Agreement (Highways Act 1980) with regard to Doubletrees St., Blazey."

It is alleged that Cornwall County Council refused to supply the information requested by the complainant.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner has a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

On 17 January 2005 Cornwall County Council informed the complainant that the information requested was not held.

Section 1(1) of the Act states:

"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."

The Information Commissioner has approached Cornwall County Council for verification and is satisfied that the information was not held by the Council at the time of the request and, therefore, could not be provided to the complainant. Cornwall County Council is consequently not in breach of section 1(1) of the Act.

Action Required

Cornwall County Council confirmed within twenty working days that they did not hold the information requested by the complainant. The Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by Cornwall County Council.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 277
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 5th day of July 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF