

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 24 May 2017

**Public Authority:** Lancashire County Council  
**Address:** County Hall  
Fishergate  
Preston  
Lancashire

#### Decision (including any steps ordered)

---

1. The complainant has requested information with regards to road maintenance. Lancashire County Council provided a response, but provided it outside the required timeframes of the FOIA.
2. The Commissioner's decision is that the council has breached section 10(1) of the FOIA.
3. As a response has been provided, the Commissioner does not require the council to take any steps.

#### Request and response

---

4. On the 24 August 2016, the complainant made the following request for information:

*"I have attached communication references for the further support for my claim of £88. If this helps a FOI request may assist and investigate the road maintenance history. I have been completely honest and this is an accurate account of the situation. I feel mis-lead by lancaster city council, informing me that there is a process for re-claims, and was confident that I would get my money back for the damage."*

5. The council acknowledged the request on the same day, but did not provide its response until the 29 November 2016. The complainant requested an internal review because she was not satisfied with the information provided and the time it took the council to respond.

6. The council carried out its internal review on the 16 December 2016, it provided clarity as to why it provided the information it did and apologised for the time it took to respond.

### **Scope of the case**

---

7. The complainant contacted the Commissioner on the 16 December 2016 to complain about the time it took the council to respond to her request. The Commissioner also clarified that the request actually concerned the road maintenance history of a particular road that had been the subject of particular correspondence between the parties.
8. The Commissioner considers the scope of the case is to determine whether the council has breached section 10(1) of the FOIA.

### **Reasons for decision**

---

#### **Section 10(1) of the FOIA – Time for compliance**

9. Section 10 of the FOIA requires a public authority to respond to a request for information in accordance with section 1(1) of the FOIA within 20 working days following the receipt of the request.
10. In this case the request was made on the 24 August 2016 and the council did not provide its response until 29 November 2016, some two months later.
11. This is clearly outside the required 20 working day timeframe and therefore the Commissioner finds that the council has breached section 10(1) of the FOIA.
12. As a response has been provided, the Commissioner does not require the council to take any steps.

## Right of appeal

---

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: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.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** .....

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