

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 11 March 2019

**Public Authority:** Lancashire County Council  
**Address:** PO Box 78 County Hall  
Fishergate  
Preston  
Lancashire  
PR1 8XJ

#### Decision (including any steps ordered)

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1. The complainant requested information relating to the criteria for interview shortlisting, as well as information relating to scoring for interview.
2. The Commissioner's decision is that Lancashire County Council has failed to respond to the request within 20 working days and therefore breached Section 10(1) of the FOIA.
3. The Commissioner requires Lancashire County Council to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response in accordance with the FOIA.
4. Lancashire County Council must take these steps 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 the Act and may be dealt with as a contempt of court.

#### Request and response

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5. On 17 December 2018, the complainant wrote to Lancashire County Council and requested information in the following terms:

*"What criteria is used to shortlist people for interview? Is it based on job description and person specification? How is it scored? What is the benchmark be shortlisted?"*

6. Lancashire County Council acknowledged the request on 18 December 2018.
7. The complainant contacted Lancashire County Council again on 18 January 2019 as she had not received a response.

### **Scope of the case**

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8. The complainant requested various information from Lancashire County Council, including some information that may be her own personal data. The Commissioner has addressed only those parts of the request which fall to be considered under the FOIA in this decision notice.
9. The complainant contacted the Commissioner on 18 January 2019 to complain about the way her request for information had been handled.
10. The Commissioner contacted Lancashire County Council on 7 February 2019 to remind it of its responsibilities and asking it to respond within 10 working days.
11. Despite this intervention, to date Lancashire County Council has not provided a response.
12. The Commissioner considers the scope of the investigation is to determine whether Lancashire County Council has complied with section 10(1) of the FOIA in relation to those elements of the request which are covered by the FOIA. The Commissioner considers that the remainder of the requested information has been sought under the complainant's subject access rights under the Data Protection Acts 1998 and 2018. She will consider these matters separately from the FOIA matters addressed in this decision notice.

### **Reasons for decision**

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13. Section 1(1) of the 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."*

14. Section 10(1) of the 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.”*

15. From the evidence provided to the Commissioner in this case, it is clear that Lancashire County Council did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Lancashire County 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 the FOIA.

## Right of appeal

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16. 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)

17. 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.
18. 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**