

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 November 2019

Public Authority: West Midlands Combined Authority
Address: 16 Summer Lane
Birmingham
West Midlands
B19 3SD

Decision (including any steps ordered)

1. The complainant requested information from the West Midlands Combined Authority ("WMCA") relating to the Midlands Connect Rail Programme.
2. The Commissioner's decision is that WMCA has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires WMCA to take the following steps to ensure compliance with the legislation.
 - WMCA must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. WMCA 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

5. On 27 June 2019, the complainant wrote to WMCA and requested information in the following terms:

"Dear West Midlands Combined Authority

I would like to obtain a pdf of the 'Midlands Connect Rail Programme: Economic Evidence, 2018', mentioned in the Midlands Rail Hub June 2019 summary report."

6. WMCA wrote to the complainant on 27 June 2019 to acknowledge the request.
7. On 29 July 2019, the complainant wrote to WMCA to request an update on his request.
8. On 8 August 2019, the complainant wrote to WMCA to request a review of his request.
9. The complainant has provided evidence that he has received an acknowledgement from WMCA but, by the date of this notice, had not received a substantive response to his information request.

Scope of the case

10. The complainant contacted the Commissioner 27 September 2019 to complain about WMCA's failure to respond to his request.
11. The Commissioner contacted WMCA on 18 October 2019 reminding it of its responsibilities and asking it to provide a response to the complainant within 10 working days.
12. The Commissioner also contacted the complainant on 18 October 2019 to explain that WMCA had been given 10 working days from 18 October 2019 within which to provide a response to their request.
13. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

14. Section 10 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.

15. The Commissioner considered that the request in question fulfilled the above criteria and therefore constituted a valid request for recorded information under the FOIA.

16. Section 10 of the FOIA states that responses to requests made under the Act must be provided, "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

17. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council has breached section 10 of the FOIA.

Right of appeal

18. 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@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

19. 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.
20. 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

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