

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 25 April 2024

Public Authority: Exeter City Council
Address: Civic Centre
Paris Street
Exeter
EN1 1JN

Decision (including any steps ordered)

1. The complainant has requested information with regards to a planning matter. Exeter City Council (the council) provided the information it held with some redactions under regulation 13 of the EIR – third party personal data.
2. The Commissioner's decision is that the council breached regulation 5(2) of the EIR as it did not provide all the information it held, that was not exempt from disclosure, within the required 20 working days.
3. As all the information that is not exempt from disclosure has now been provided, the Commissioner does not require any steps.

Request and response

4. On 3 August 2023 the complainant made the following information request to the council:

“Re:- Planning Application Number [redacted]. Please provide copies of all communications via letters, emails, messages, telephone (details of any conversations), or by any other media, between Council Officers, Councillors and any other parties with effect from 05/04/23 to 28/07/23.”
5. The council responded on 22 August 2023 providing the information it held redacting third party personal data under regulation 13 of the EIR. It stated that there are no records of dates and times of phone calls.
6. The complainant requested an internal review on 25 August 2023 disputing the redactions made under regulation 13 of the EIR.
7. The council provided its internal review on 26 August 2023. The council no longer sought to rely on regulation 13 of the EIR to redact most of the information it had except the name and contact detail of a council officer and the personal details of an objector(s) which it maintained was exempt from disclosure. The council also located and provided a further document to the complaint.
8. The complainant contacted the Commissioner on 28 September 2023 to complain about the council's response.
9. On the 16 January 2024 the council provided two further emails to the complainant, which had previously been withheld under regulation 13 of the EIR, but maintained the exception to redact the names and contact details of the individual(s) who sent the emails.
10. Following further correspondence between the complainant and the council, two photos were located and disclosed to the complainant on 7 February 2024.

Scope of the case

11. The complainant contacted the Commissioner further and confirmed his complaint is that he is not satisfied with the time it has taken the council to provide all the information it has to his request.
12. The scope of the case is for the Commissioner to determine whether the council has breached regulation 5(2) of the EIR – Time for compliance.

Reasons for decision

Regulation 5(2) of the EIR - Time for compliance

13. Regulation 5(1) of the EIR states that a public authority that holds information shall make it available on request and regulation 5(2) requires a public authority to provide that information within 20 working days following receipt of a request.
14. In this case, the complainant made his information request on 3 August 2023 and the council did not provide all the non-exempt information it held until 7 February 2024, approximately five months after the request was made.
15. The Commissioner therefore finds that the council has breached regulation 5(2) of the EIR as it did not provide all the information which was not exempt from disclosure within the required 20 working days.
16. As all the information which is not exempt from disclosure has since been provided, the Commissioner does not require any steps.

Right of appeal

17. 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

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

18. 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.
19. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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