

**City of York Council - Decision Notices****17 Jan 2020 - Decision notice FS50896378**

The complainant requested information from the City of York Council (“the Council”) relating to breaches of planning conditions. The Commissioner’s decision is that the Council has failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation. The Council must issue a substantive response to the request in accordance with its obligations under the EIR. The 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.

EIR 5(2): Complaint upheld

**27 Nov 2019 - Decision notice FS50879913**

The complainant requested information from City of York Council (“the Council”) relating to an investigation into the exonerated Deputy Leader. The Commissioner’s decision is that the Council has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation. The Council must issue a substantive response to the request in accordance with its obligations under the FOIA. The 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.

FOI 10: Complaint upheld

**24 Oct 2019 - Decision notice FER0827677**

The complainant has requested information held by City of York Council (the council) about York City Football Club and its contribution to the funding of a new community stadium. The council disclosed some information in response to the complainant’s request and then, during the Commissioner’s investigation, confirmed that a small amount of additional information could be released. The council applied regulation 12(5)(e) of the EIR- confidentiality of commercial or industrial information, to the remainder of the information. The Commissioner’s decision is that whilst the council was correct to have considered parts 1, 2, 3, 4, 5 and 7 of the request under the

EIR, it should have considered part 6 of the request under the FOIA. The Commissioner is also satisfied that, with the exception of some information requested at part 2 of the request, the council is entitled to rely on regulation 12(5)(e) of the EIR, and section 43(2) of the FOIA, when withholding that information identified as being relevant to the request. The Commissioner requires the council to release some information relevant to part 2 of the request, and also the additional information it had already agreed to disclose, if it has not already done so.

FOI 43(2): Complaint not upheld EIR 12(5)(e): Complaint upheld

### **15 Oct 2019 - Decision notice FS50831447**

The complainant has requested information relating to the adoption of a private road into the public highway. The Commissioner's decision is that on the balance of probabilities, City of York Council has located all the information held in scope of the request. However it breached Regulation 5(2) in failing to respond to the request within 20 working days. The Commissioner does not require any steps.

EIR 5(1): Complaint not upheld EIR 5(2): Complaint upheld