

ICO published decision notices for City Of York Council

30 Oct 2020, Local government

The complainant made a number of requests to the City of York Council (“the Council”) for information regarding the creation of a road. The Council did not respond to the complainant’s first request and refused the third request under regulation 12(4)(b) of the EIR (manifestly unreasonable). The Commissioner’s decision is that the Council has failed to demonstrate that the exception is engaged and is therefore not entitled to rely on regulation 12(4)(b) to refuse Request 3. She also finds that the Council has not complied with its obligations under regulation 5(2) of the EIR for Requests 1 and 2. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation. • Issue a response to Request 1. • Issue a response to part 1 of Request 2. • Issue a fresh response to Request 3 which does not rely on regulation 12(4)(b) of 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 EIR 12(4)(b): Complaint upheld