

ICO published decision notices for City Of York Council

15 Oct 2020

The complainant requested from the City of York Council (“the Council”) information relating to the Council’s compliance with section 65 of the 1992 Local Government Act. By the date of this notice the Council had not issued a substantive response to the complainant’s request. 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 section 10: Complaint upheld

2 Sep 2020

The complainant has requested information on the council’s process for reporting decisions of the ICO, planning committee and the Local Government and Social Care Ombudsman (the LGSCO) to its councillors and committees. The council said that there was no set process that could be disclosed but provided a number of links to the websites of the ICO and the LGSCO where relevant information could be accessed. It applied section 21 on the basis that the information was already available to the complainant via these means. On review it provided a link to the records of its planning committee meetings and to its Audit and Governance committee. The Commissioner’s decision is that the council was correct to apply section 21 to refuse the request for information included within the links which were already available to the complainant. She has however decided that the council was not correct to rely on section 21 regarding information falling within the scope of the request about its Scrutiny and Executive Committee. She has also decided that the council did not comply with the requirements of section 10(1) in that it did not provide access links to all of the information requested within 20 working days. The Commissioner requires the public

authority to take the following steps to ensure compliance with the legislation. To issue a fresh response, specifically regarding information falling within the scope of the request which has been reported to the Scrutiny and Executive Committee. The council should not seek to rely upon section 21 again to refuse this part of the request in its new response.

FOI section 21: Complaint partly upheld

FOI section 10: Complaint upheld

31 Jan 2020

The complainant has requested information from the City of York Council (“the Council”) regarding the professional qualifications of its Flood Risk Management and Conservation Officers. The Council withheld the information under section 40(2) of the FOIA. The Commissioner’s decision is that the Council has correctly applied section 40(2) of the FOIA to withhold the information. The Commissioner does not require any further steps to be taken in respect of this request.

FOI section 40(2): Complaint not upheld