

WALBERSWICK PARISH COUNCIL

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Information Commissioner's Office (ICO) Decisions relating to Walberswick Parish Council as at 28.01.13 relating to Freedom of Information Act 2000 (FOIA) and Data Protection Act 1998 (DPA)

Case Ref: FS50379341

Date: 10.11.2011

Summary: The complainant asked the Council to provide information on various matters including the council's code of conduct, correspondence submitted to the council, the council's standing orders, and advice provided to the Council. The Information Commissioner's decision was that the Council did not comply with sections 1, 10 and 17 of the FOIA when responding to the complainant's request. This is because it did not provide the requested information, or a valid refusal notice, within 20 working days of receiving the request. The Information Commissioner noted that the council had now provided a new response to the complainant's request. He did not require the Council to take any steps.

Case Ref: FS50422187

Date: 19.12.2011

Summary: The complainant requested from the Council a copy of a speech given by the chairman before a meeting. The complainant also made another request for information relating to the refusal to provide her with a copy of the speech and she also asked for details of the complaints procedure. The Council responded that it did not hold the information requested. The Commissioner's decision was that the Council did not hold the information on the balance of probabilities. He recorded a breach of section 10 of the FOIA (Council did not respond within 20 working days). The Commissioner did not require any steps to be taken. The Council was not a party to the Information Tribunal appeal number EA/2012/0019 which was disposed of by way of a consent order.

Case Ref: FS50421923

Date: 22.05.2012

Summary: The complainant had requested information related to how specific Councillors responded to an email from the Parish Clerk. The Council did not provide a response to the request in accordance with the FOIA. The Commissioner therefore reminded the Council of its obligations under the FOIA and required it to either respond to the request in accordance with the legislation or issue a valid refusal notice under section 17(1). The Council was under the impression that the same request had been made three times and had been responded to twice. The Council now understands that every time the same request is made it must be responded to.

Case Ref: FS50423033

Date: 16.07.12

Summary: The complainant had requested a copy of a specific Councillor's report and other information that Walberswick Parish Council held relating to a meeting that considered an internal review of previous information requests. The Commissioner's decision was in relation to one request that the Council did not deal with the request in accordance with section 1(1)(a), section 1(1)(b) and section 10(1) of the FOIA, in that it did not inform the complainant that the information was held, or disclose that information within the statutory time limit. In relation to two requests, that the Council did not deal with the request in accordance with section 10(1) of the FOIA, in that it did not disclose the information within the statutory time limit. In relation to three requests, that the Council, on the balance of probabilities, did not hold the requested information. The Commissioner did not require any steps to be taken.

Case Ref: FS50440982

Date: 23.07.12

Summary: The case was closed by the Commissioner on the basis it was illegible for consideration.

Case Ref: FS50440723

Date: 23.07.12

Summary: The case was closed by the Commissioner on the basis it was illegible for consideration.

Case Ref: FRA0443944

Date: 03.10.12

Summary: The complainant made a subject access request to the Council under the Data Protection Act (DPA), but complained to the Commissioner he/she had not received the requested information. It was the view of the Commissioner that the Council had complied with all its DPA obligations in this instance.

Case Ref: FS50444929

Date: 21.01.13

Summary: The complainant requested from the Council 83 pages of letters sent to the Council by a specified individual. The Council initially considered that complying with the request would exceed the appropriate cost limit, but during the Commissioner's investigation advised the Commissioner that it considered the request to be vexatious under section 14 of the FOIA. The Commissioner decided the Council had correctly applied section 14 to the requests and accepted that it was reasonable for the complainant to be considered to be acting in concert with three others. The Commissioner did not require any steps to be taken.

Case Ref: FS50461702

Date: 23.01.13

Summary: The case was closed by the Commissioner at the request of the complainant.

Case Ref: FS50434776

Date: 24.01.13

Summary: The complainant requested information from the Council relating to correspondence about a meeting that had taken place in October 2011 (may have been a *typo* by ICO for "October 2010"). The Council refused to respond on the basis the request was vexatious under section 14(1) of the FOIA. The Commissioner decided the Council had correctly refused to respond to the requests and accepted that it was reasonable for the complainant to be considered to be acting in concert with three others. The Commissioner did not require any steps to be taken.

The following case references are outstanding according to the latest information available to the Clerk:

FS50459125 – Council to respond to ICO by 20.02.13

FS50427328 – Council to respond to ICO by 20.02.13

FS50453488

FS50441313

FS50441315

FS50447986

FS50441298

FS50423845

FS50462219

FS50465045