

Legal & Support Services  
Town Hall  
St Nicholas Street  
Scarborough  
YO11 2HG

Head of Legal & Support Services: Ian Anderson  
Scarborough - Europe's most enterprising place 2008-2009



Contact: David Kitson  
Tel: (01723) 384319  
Fax: 08702 384160  
e-mail: david.kitson@scarborough.gov.uk  
Web site: www.scarborough.gov.uk  
DX: 719232 SCARBOROUGH 5

## Scarborough Borough Council

Ms Vicky Gray

BY EMAIL:  
[request-4547-e410e615@whatdotheyknow.com](mailto:request-4547-e410e615@whatdotheyknow.com)

Your Ref:  
Our Ref: DPK/CP01/107

23 November 2009

Dear Ms Gray

### Re: Freedom of Information Act 2000 – FOIA528 Further Correspondence Post Review

Thank you for your e-mails sent on 12 January 2009, 14 September 2009, 10 November 2009 and 22 November 2009 in relation to your request for information made on 4 December 2008. Your e-mails follow the Council's response to your request on 19 December 2008, and my internal review of the response requested by yourself on 22 December 2008, and communicated to you by way of e-mail dated 9 January 2009.

On 12 January 2009 I received an e-mail from you. This e-mail commenced with the sentence "Thank you for your response to my request for internal review." The main body of your e-mail then provided a commentary concerning your further dissatisfaction with the Council's responses and internal review procedures, and ended with the paragraph:

*"As I have already demonstrated, I do not have to "exhaust" your internal complaints procedure. I have to allow you a maximum of 40 working days in which to finally respond to me **after which time I can legally complain to the Information Commissioner and I shall now do so.** [emphasis added]"*

It is therefore surprising that some 8 months later you began sending further e-mails relating to your request, giving the impression that your request for review had not been dealt with. On 14 September 2009 you sent an e-mail stating:

*"Please pass this on to the person who conducts Freedom of Information reviews.*

*I first requested a review on the 22 December 2008. It is now 14 September 2009 what is the excuse this time for not adhering to the procedures of the Freedom of Information Act? Is it perhaps because you have meticulously collated the correct information that I requested? I originally requested the information on the 4 December 2008. I am writing to*



INVESTOR IN PEOPLE



Awarded for excellence to  
Customer First Service



printed on 80% recycled paper



EUROPEAN ENTERPRISE AWARDS  
an initiative of the European Commission



*request an internal review of Scarborough Borough Council's handling of my FOI request 'Bullying and Harassment'."*

On 10 November 2009 you e-mailed the Council, stating:

*"I requested a review on the 22 December 2008 and also the 14 September 2009. Does Scarborough Council ignore all requests? Are there no time limits that you have to adhere to?"*

*Please read all correspondence and respond to it. I have also emailed the Chief Executive Jim Dillon. As I feel he has a right to know that his staff are ignoring FOI requests."*

On 22 November 2009 you again e-mailed the Council, stating:

*"I am still awaiting a response to my request. The next excuse will be the Christmas holidays. Please respond to this request."*

The above e-mails completely omit to mention that a review had already taken place, with the outcome communicated to yourself on 9 January 2009, or that you had informed the Council on 12 January 2009 that you were referring the matter to the Information Commissioner. In that regard your e-mails are misleading and give the impression that no review has taken place. This is simply not correct.

The Council has dealt with your initial request for information, and has undertaken and completed an internal review, both within the prescribed time limits. The Council has complied with the Freedom of Information Act 2000 and is under no further obligation in relation to this request. I refer you to the response to your initial request dated 19 December 2008, and the contents of my e-mailed letter following an internal review dated 9 January 2009.

If you remain dissatisfied you may (if you have not already done so) apply directly to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF | Tel: 01625 545745 | Fax: 01625 524510 | Web: [www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely

**David Kitson**  
**Senior Solicitor**