

**Date:** 2 July 2020  
**Our ref:** 2841533  
**Your ref:**  
**Contact:** Robert Long  
**Direct dial:** 01275 888426



Information Governance  
North Somerset Council  
Town Hall  
Weston-super-Mare  
BS23 1UJ

Ms Jane Bishop  
By email

DX 744900 Clevedon

Dear Ms Bishop

Thank you for your request for a review received on 7 June 2020. I am sorry that you are dissatisfied with our attempts to handle your request under the Freedom of Information Act 2000.

### **Your initial request**

Your original request of 12 March 2020 was worded as follows:

*Who is the creditor for North Somerset Council-Council Tax finances?*

On 16 April, my colleague Sinead Johnson contacted you, advising that your response was likely to be delayed, as the officer responsible for compiling a response for you was part of the council's emergency Covid Response team, and therefore couldn't be asked to prioritise your request over these essential duties. Despite this, on 19 April, you chased your response.

### **Our response**

We responded on 15 May 2020, advising that we considered the information to be exempt under Section 21 of the Freedom of Information Act (Information accessible by other means). You were provided with a weblink to North Somerset's Council Tax guide, which explains where the council spends council tax money, along with an explanation that "*an organisation's creditor is one who receives monies from that organisation. Therefore, creditors of the council tax service would be where your council tax money goes.*"

### **Your request for an internal review**

On 7 June you wrote requesting an internal review, which was worded as follows:

*You have not provided full disclosure according to your public task:*

- 1. You mentioned that there are 'other ways' under section 21 for me to obtain information without suggesting what other ways you are referring to? Full explanation is required.*
- 2. You have suggested that you are aware of the creditor officer. You are required to disclose the name of the creditor officer and are reminded that section 40 of FOI does not apply in this case.*
- 3. You are further reminded of your public task not to hinder or to deflect, or prevaricate but to ensure that you respond to each individual Fol by its unique reference number with a clear, concise, honesty and trustworthy approach so that individuals can recognise each case on its own merit.*
- 4. In relation to your conduct and behaviour you are also reminded that for safety and security reasons that section 30 of GDPR applies throughout your public tasks and that identity is a paramount for any claim, complaints, handling of data subjects against said data controller article 77 & 79 GDPR and Article 173 DPA 2018 in response to your wilful neglect and data blocking*

## **My response to your request for an internal review**

I was not involved in your original request; I am the council's Head of Information and Assurance, and am Lynsey Wilson's line manager. I respond to some requests for an internal review, where Mrs Wilson (Information Governance Manager) has been involved in the case, and therefore is unable to provide an independent review. I have reviewed all of the correspondence and notes in the case file, and have obtained and examined the records requested.

## **My findings**

In order to provide my response to you, I will take each of your points in turn.

### 1. Application of Section 21 exemption

Where requested information is available to a requester by other means, Section 21 of the Freedom of Information Act allows that the public body does not need to provide a response, as long as the means by which the information is available is explained to the requester.

Your request is asking who the creditor for council tax finances is, which can be rephrased as "To whom does North Somerset council pay the monies it receives in council tax?".

The link provided to you in your response explains in detail what happens to council tax money, including how it's spent and an excerpt of the council's budget, which details how the council spends its money, and how the council tax money supports this expenditure. I am satisfied, therefore, that the response provided to you does answer the question asked, and the Section 21 exemption was correctly applied.

### 2. Creditor Officer

You state that "you have suggested you are aware of the creditor officer". At no point in the correspondence provided to you can I see any mention of a 'Creditor Officer', nor any request from you for information about this person. I am unsure where this statement has come from, there is no employee for North Somerset Council with that job title, and I am unable to comment any further in this regard.

### 3. FoI Reference Numbers

All requests made to North Somerset council are assigned a unique reference number, which was communicated to you in your acknowledgement email of 12 March, and quoted in each subsequent correspondence. Subsequently, North Somerset Council have satisfied their duties in this regard.

### 4. Article 30 of GDPR and alleged data blocking

North Somerset Council does hold a Record of Processing Activity, in accordance with its statutory duties under Article 30 of the European General Data Protection Regulation. I am unsure of the relevance of that in this instance. Freedom of Information requests are handled under the Freedom of Information Act: not GDPR or the Data Protection Act.

## **Outcome of the internal review**

The application of the Section 21 exemption to your request for "Who is the creditor for North Somerset Council-Council Tax finances?" was correctly applied, and the weblink does detail the information requested.

Your response was sent outside of the statutory 20 working day timeframe, and for this I do apologise. The response information was provided by the council's Revenues and Benefits Manager, who was responsible for the administration of the Covid-19 Business Grants, as well as the administration of the Council Tax service. I note the guidance issued by the Information Commissioner's Office, which states "*Whilst we can't extend statutory timescales, we will not be penalising public authorities for prioritising other areas or adapting their usual approach during this extraordinary period.*", but you are still within your rights to raise a complaint with them in this regard.

**What you may do next**

North Somerset Council now considers that it has complied with your request for an internal review. If you are not happy with the outcome, you now have the right to appeal directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:  
Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
<http://ico.org.uk/>

Yours sincerely

Robert Long  
Head of Information and Assurance

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Documents on our website can also be emailed to you as plain text files.

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For more information contact the sender of this letter.

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