

Our Ref JCW/041279
Your Ref I J Jordan
Your fax
Date 23 April 2019
Please ask for Janet Witkowski
Direct Line 0161 253 5219
Fax No 0161 253 5119
E-Mail: j.witkowski@bury.gov.uk

Department for
Resources and Regulation

Jayne Hammond LLB (Hons) Solicitor
Assistant Director
Legal & Democratic Services

I J Jordan

By email only to: request-539763-f0cb3c51@whatdotheyknow.com

Dear I J Jordan

Re Freedom of Information Act (FOIA)

I write further to your email of 22 January 2019 requesting a review of the Council's subsequent decision of 24 January 2019 in relation to your request for the following information;

*Please provide ALL information regarding the procurement and contracts regarding provision of natural gas for councils buildings for the current contract.
Please can this include award notices, any information regarding use of framework contracts, total costings, renewal decisions, name of company that was awarded the contract and why.*

I confirm that I have conducted a review of the request and apologize for the delay in responding. This is due to resources problems within the Council. I also confirm that the request for a review of the decision is upheld for the following reasons:

1. Your request was sent to the Council on 17 December 2018. In accordance with section 1(1) of FOIA, any person making a request is entitled to be informed in writing if the information is held and if that is the case to have the information communicated to them. Section 10 of FOIA states that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt. The response should therefore have been sent to you by 17 January 2019. However, the response was in fact sent on 24 January 2019, which was in fact 2 days after your request for a review, dated 22 January 2019. This was clearly outside of the timescale provided for in FOIA.
2. Albeit I note there is unlikely to be a legislative provision allowing for an extension of time, I have made enquiries within the Council to ascertain the reasons for the delay. It does appear that this was entirely due to the fact the officer it was passed to was off sick at the time and did not return until the New

Year. It was therefore not dealt with until after you pointed out the delay. This is clearly unsatisfactory and I apologise on behalf of the Council. I can assure you that Bury Council takes its responsibilities under FOIA very seriously and that I have asked that the process for dealing with FOIA requests is reviewed to ensure this does not happen again.

3. In conclusion, although this request was not dealt with correctly, as you received the response on 24 January, 5 days beyond the statutory timescale, I am satisfied there was no prejudice to you.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Officer
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

www.ico.org.uk

Tel: 0303 123 1113

Yours faithfully



Council Solicitor