



Dunchurch Parish Council
Dunchurch Community Library
School Street
Dunchurch
Rugby
CV22 6PA
Tel: 01788 817550
07474 705061 (M)

24 May 2021

Dear Mr Waller,

Re: Request for Internal Review

Thank you for your emails dated 11 May 2021 and 13 May 2021 regarding the response to your recent request to Dunchurch Parish Council (Council).

In your emails dated 11 May and 13 May 2021 you asked for an internal review of the handling of your Freedom Of Information Request "Written Resignation of Cllrs. Thompson and Knott" made via email on 8 May 2021.

I have summarised the details of your appeal below:

- Request dated 11 May 2021 – The Council reverses its original decision.
- Request dated 13 May 2021 – The Council upholds its original decision.

Response

Request for Internal Review dated 11 May 2021

You emailed the Clerk of the Council on 16 November 2020 making a Freedom Of Information request to receive a copy of the written resignation received from Cllr. Marie Thompson and Cllr. Kenneth Knott. This request was responded to by the Clerk on 16 November 2020, with a copy of the resignation emails attached.

You emailed the Clerk of the Council on 8 May 2021 making a Freedom Of Information request to receive a copy of the written resignation received from Cllr. Marie Thompson and Cllr. Kenneth Knott.

Under section 14(2) of the Freedom of Information Act (FOIA), a Freedom of Information request does not have to be complied with if it is identical, or substantially similar to a previous request submitted by the same individual, unless a reasonable period has elapsed between those requests.

Given the request made on 8 May 2021 came less than 6 months after the request made on 11 November 2020 the Clerk responded to your request dated 8 May 2021 on 10 May 2021 referring you to the response provided on 16 November 2020.

In your request for an Internal Review, dated 11 May 2021, you have requested this be reviewed as you believe a reasonable interval has passed since your previous request for the same information.

Section 14 (2) of the FOIA does not define what a reasonable period is, with this being a judgement, partly influenced by the likelihood of information changing in the intervening periods between requests. The ICO do encourage adoption of a practical approach to this

however and if a request can be readily answered they suggest it may be easier to provide a second copy of the information rather than refuse a request as repeated.

Your complaint is therefore upheld, and the Council reverses its original decision.

This decision was reversed on 13 May 2021 and the emails received in relation to the resignation from Cllrs. Thompson and Knott were forwarded to you in an email by the Clerk on 13 May 2021, with the following comments:

- Parts of the email had been redacted due to them containing information that was personal in nature and provision of this would be contrary to the UK General Data Protection Regulation (GDPR)
- A personal email had been used by Cllr. Thompson to send her resignation and the Council was unable to comment on why Cllr. Thompson had used her personal email rather than a Council email address.

Request for Internal Review dated 13 May 2021

You have made a request for an Internal Review of the response made to you following the reversal of the decision as previously set out relating to the emails provided to you in relation to the resignation from Cllrs. Thompson and Knott forwarded to you on 13 May 2021. Your request for an Internal Review does not make a specific request, you have raised three points:

- 1) A referral to answers given last year does not constitute a response to the current request.

This is acknowledged and has been addressed via the Request for Internal Review dated 11 May 2021 with the subsequent provision of the information requested on 13 May 2021.

- 2) You believe the claim to exemptions under GDPR is not applicable to FOIA. Specific exemptions should be applied

The FOIA specifically provides an exemption where there is a request for information that would be deemed personal under either the UK GDPR or the Data Protection Act.

The Clerk emailed you this explanation on 13 May 2021, including a link to the ICO Website where this is explained in more detail.

- 3) The fact of public body business being conducted with private personal email addresses is a consideration.

This point had already been responded to in the response made on 13 May 2021 with no further information available to be provided.

Your complaint is therefore not upheld.

Advice and Assistance

This completes the internal review into the handling of your Freedom Of Information Request. Should you be dissatisfied with our response, you are entitled to contact the Information Commissioner's Office. For your reference, I have provided contact details below:

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

Tel: 0303 123 1113

Web: www.ico.org.uk/make-a-complaint/

Yours sincerely,

A handwritten signature in black ink, appearing to read 'H. Marsh'.

Howard Marsh

Vice Chairman – Dunchurch Parish Council

CC: Tracey Price (Chairman – Dunchurch Parish Council)