

Freedom of Information Act 2000 (Section 51)

Environmental Information Regulations 2004 (Regulation 18)

Information notice

Date: 2 April 2024

Public Authority: Hampshire County Council
Address: The Castle
Winchester
Hampshire
SO23 8UJ

Section 51

Regulation 18 of the Environmental Information Regulations 2004 ("the Regulations") states that "the enforcement and appeals provisions" of the Freedom of Information Act 2000 ("the Act") shall apply for the purposes of the Regulations. Therefore any reference to "this Act" in Part IV of the Act should be substituted with reference to "these Regulations". Part IV of the Act contains the enforcement and appeals provisions and includes section 50, 51 and 54 as mentioned in this Notice. All references to "the Act" should therefore be read as also referring to "the Regulations".

Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish him with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the

notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-264009-G7F2, for a decision whether a request for information made by the complainant to Hampshire County Council ('the council') on 14 May 2023, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. The complainant is not satisfied with the council's refusal to provide the information which they requested.
3. Following receipt of the complaint from the complainant, the Commissioner wrote to the council on 24 January 2024. The Commissioner requested that the council provide him with a copy of the information it has withheld in response to the request. He also asked the council to respond to a number of questions, and to provide its reasons for relying upon the exceptions it had applied to withhold the requested information from disclosure.
4. The council responded to the Commissioner on 5 February 2024. It said that it required additional time in order to provide its response. It said that it required until 29 February 2024.
5. On 29 February 2024, the council again wrote to the Commissioner stating that it needed additional time to provide its response. It said that it would provide its response by 21 March 2024.
6. On 22 March 2024, the council telephoned the Commissioner's office and said that it was not yet in a position to provide its response.
7. The council has therefore not provided the Commissioner with the information requested of it.

Information required

8. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of the Act he requires that the council shall, within 30 days of the date of this notice, furnish the Commissioner with a copy of the following information.
- A copy of the withheld information (clearly marked to show where the exceptions/exemptions have been applied).
 - A full response to the questions raised in the Commissioners letter dated 23 January 2024, a copy of which is attached with this notice.

Failure to comply

9. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of appeal

10. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: grc@Justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

11. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed by

Ian Walley
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF