

## **Freedom of Information Act 2000 (Section 51)**

### **Information notice**

**Date:** 3 April 2024

**Public Authority:** Middlewich Town Council  
**Address:** Victoria Building  
Lewin Street  
Middlewich  
Cheshire  
CW10 9AS

#### **Section 51**

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Under section 51 of the Freedom of Information Act 2000 (FOIA), 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 he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

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

he may serve the authority with a notice (in FOIA 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**

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1. The Commissioner has received an application under section 50, reference IC-262054-J3G4, for a decision whether a request for information made by the complainant to Middlewich Town Council on 28 July 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

## **Nature of complaint**

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2. The complainant is not satisfied with the application of section 40(2) (personal data) of FOIA by the Council to withhold some of the information requested.
3. Following receipt of the FOIA complaint, the Commissioner wrote to the Council on 7 December 2023, 27 February 2024, 11 and 23 March 2024, requesting that it provide information on the application of section 40(2) and copies of the withheld information.
4. The Council has not provided the Commissioner with the information requested.

## **Information required**

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5. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that Middlewich Town Council shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
  - A copy of the information being withheld under section 40(2) of FOIA.

## **Failure to comply**

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6. 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 FOIA, and may be dealt with as a contempt of court.

## Right of appeal

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7. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@Justice.gov.uk](mailto:grc@Justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

8. 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.

**Ben Tomes**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**