

FOIA s.10(1) – Time for compliance

FOIA s.57 – Appeals to Tribunal

Edward Simmons v IC

EA/2005/0003

16th December 2005

Cases:

Facts

The Appellant requested full details from the Chairman of the Inland Revenue of how his band for council tax had been calculated. The Appellant was dissatisfied with the quality of the information provided and so complained to the IC. The IC held that the Inland Revenue had not replied within the time limit set within s.10(1) FOIA and that no further action was required as the information had been subsequently sent to the Appellant. The Appellant appealed under FOIA s.57 on the basis that the information provided did not contain the detailed calculation which he sought.

A subsidiary complaint was that the IC made an attempt to conceal the part of the decision stating that no further action was required by placing it in a separate paragraph from the paragraph headed 'The Commissioner's Decision'.

Findings

The question for the Tribunal was whether the information held – however poor or inadequate it may have been for justifying the Inland Revenue's decision – had been disclosed to him. They held that the Inland Revenue had provided the information actually held and that the inclusion of it with further information which had not been requested did not in the circumstances make the Revenue's response inadequate.

The Tribunal held that the subsidiary complaint was unreasonable and rejected the imputation that there was any concealment by the IC.

Conclusion

Under the Freedom of Information Act the Tribunal are concerned only with the information actually held by the relevant public authorities, not with the quality of the information or the quality of their use of it. The appeal was dismissed.