

John Fullbrook

Subject: FW: Thank you and request for information

From: John Fullbrook **Sent:** 01 February 2022 10:37

To: Paul Campbell <**Cc:** Joanna Norcross <>; Chris Young Steve Northam Tim Lloyd <Simon Alexander <>; Hazel Roxby <>**Subject:** Thank you and request for information

Dear Paul

Thank you for supplying both emails.

For a while I could not locate the 13th October FOI request as it had been sent onto me via Joanna, and I was searching by the wrong name!

In terms of the your original request for this case – IC-138598-F7Z9, you stated it dated from the 21st September and I wondered if I had missed an email as I could not find an email clearly asking for information under FOI. - I had already noted you had sent an email to all Councillors and myself on that date and as part of that email there was a request for this information.

I note that you have informed the ICO that this was an FOI request under the rules of the FOIA.

I think we are both aware that under the FOIA, for a request to be valid, it must be in writing, include the requesters real name, include an address for correspondence and describe the information request.

Am I to understand that you now consider all requests whereby these four factors are covered to be considered as an FOI request to the Council, and if so at what point did you intend for this to be the understanding relating to your requests.

If this is the case and indeed has been your understanding of the situation then it is extremely important for my office and this council to understand, both in terms of the general picture but also in terms of understanding what date you believe this situation was to have commenced.

If it is not the case, do you mind telling me how I am to judge either way.

In terms of my informing the ICO that I had responded to your request on the 3rd December – I had done.

The problem was I had responded to your other FOI request on that date, not this case it seems. It was unclear to me at the time which case number related to which of the two requests – my apologies.

If you could inform me as to a clearer understanding of your intentions regards recent and future requests for information as per noted above I would much appreciate it.

I am ccing in the FOI panel as I believe it would be important for them to know this also, should there be future FOI's that refer to email requests already received, but with those emails being without FOI nomenclature heading or reference, but that you would be referring to at some future date, stating to both Council and ICO that the date that the freedom of information request began was at the receipt in Council's inbox of that email.

Further it would be important to know if you expect every future request made by you, even if not referred to as FOI by heading or reference to be considered as an FOI so that I can respond to it using the FOI protocol.

Kind regards
John

From: Paul Campbell <Sent: 01 February 2022 08:24
To: John Fullbrook <Subject: ICO re Case No 138598?

Mr Fullbrook

As requested, the two emails are copied below.

I also do not understand how, according to the ICO, you could have told the Commissioner that you responded to this request on 3 December 2021 and yet you now say you cannot find the emails of request of 21 September 2021 and 13 October 2021. How can they have just disappeared from your inbox? And also, presumably, from the Deputy Clerk's as well as otherwise surely you would have asked her? And how could the ICO have understood from you that you responded on 3 December 2021 if you cannot even locate the request documents and so cannot have done anything?

Furthermore, the ICO reports that the Commissioner wrote to you on 9 November 2021 asking that you respond to my request within ten working days, i.e. by 23 November 2021. In these circumstances it is hard to see how it can have taken you more than two months after that deadline had expired for you to claim that you cannot even locate the request documents.

Please also note that my email of 4 October 2021 with the commentary in blue included *"You have ignored my request [of 21 September 2021] for councillors to see the adult gym equipment maintenance logs which are a prerequisite to the guarantee being maintained. Do they exist, please? It sounds as though they do not and so the guarantee will have lapsed."*

Thus you have had the request twice - 21 September and 23 October 2021 - plus the interim "chaser" of 4 October 2021 from me, plus the 23 November 2021 deadline from the ICO given on 9 November, plus your reported response to the ICO of 20 January 2022 and yet now you claim the request documents have somehow disappeared from your inbox and so you cannot locate them, let alone respond to me.

Of course this comes hot on the heels of the Personnel Committee meeting of 11 November 2021 where both Cllr Lloyd and Cllr Norcross expressly stated that the Committee was supporting and encouraging you to put correspondence from me "to the bottom of the pile".

You have also claimed repeatedly that one of the reasons you are overwhelmed with work is because of all the Fols from me. Hard to maintain that fiction I suggest when there are but four requests, none of which should have been necessary as the information should have been provided in the first place in the ordinary course of business, and now one of those drops off the list as you claim not to be able to locate it - so clearly have done no work at all on it.

The time limits under the FoIA are statutory ones and the auditors are potentially concerned over governance issues such as this.

Cllr Campbell

From: John Fullbrook <Sent: 28 January 2022 05:20 PM
To: Paul Campbell <Cc: Hazel Roxby <Subject: re Case No 138598?

Dear Paul

I cannot seem to locate the emails you sent to me on the dates in question that is the 21st September and 13th October. Could you possibly forward them onto me please

Thanks

John

From: Paul Campbell <Sent: 21 January 2022 08:39
To: John Fullbrook <Cc: Personnel Committee re Case No 138598?

Mr Fullbrook

The ICO wrote to me yesterday re Case Number 138598.

This ongoing case relates to my requests of 21 September and 13 October 2021 for the four maintenance logs covering one year re the adult gym equipment which you are withholding and which I am therefore increasingly convinced do not exist. Why else would you create all this unnecessary work for yourself and the Fol panel? And indeed, me.

To remind you and others, this is what I asked: -

" On 21 September I also asked you for the four maintenance logs covering the last year because it is a condition of the guarantee that these are available. I do not wish to deal with these things under the Fol regime as we should get them without hassle as councillors but as this is yet another issue where you are withholding information, you will be aware that a request for info should be treated as an Fol if that is what in reality it amounts to. In the circumstances please treat the 20 working day time limit for providing these simple documents as having been running and so compliance is due by 20 October 2021. I hope you will wish to respond voluntarily before that."

The ICO reports that you have told her that you responded to this request on 3 December 2021. I have no record that you did so. Accordingly, this appears to be untrue. Please could you urgently clarify?

Thank you

Cllr Campbell