

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 20 July 2005

Name of Public Authority: Royal Borough of Kensington & Chelsea
Address of Public Authority: The Town Hall
Hornton Street
London
W8 7NX

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 10 February 2005 the following information was requested from Royal Borough of Kensington & Chelsea ("RBK&C") under section 1 of the Freedom of Information Act 2000 (the "Act"):

Social services records relating to a third party and the complainants.

It is alleged by the complainants that RBK&C hold these records but have falsely claimed to the complainant that they do not hold them

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The decision is as follows:

Section 1(1) of Part I of the Act states:

"Any person making a request for information to a public authority is entitled-

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

The Commissioner has been assured by RBK&C that they do not hold the information requested by the complainants. The Commissioner is satisfied with the assurances given by RBK&C and consequently considers that the complainants' request has been dealt with in accordance with Part I of the Act.

Action Required

In view of these matters the Commissioner does not require any steps to be taken by RBK&C.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 20th day of July 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF