

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 13 September 2005

Name of Public Authority: The Royal Borough of Kensington and 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 11 February 2005 the following information was requested from The Royal Borough of Kensington and Chelsea (the "Council") under section 1 of the Freedom of Information Act 2000 (the "Act"):

"...data regarding the failed prosecution of myself ... in 1988/9"

and

"...action against [*the Complainants' then Landlord*] by the K&CBC"

It is alleged that:

the Council holds the above information but has not provided it to the complainant.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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 Commissioner's decision is as follows:

The Council has dealt with the Complainant's request in accordance with the requirements of the section 1 of the Act by confirming to the Complainant in writing on the 8th March 2005 that the information which was requested was not held by them. Section 1 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."

Action Required

In view of these matters the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by The Royal Borough of Kensington and Chelsea.

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 13th day of September 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF