

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

Dated 19<sup>th</sup> December 2005

**Name of Public Authority:** London Borough of Newham Council

**Address of Public Authority:** Broadway House  
322 High St  
London  
E15 1AJ

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 8<sup>th</sup> April 2005 the following information was requested from London Borough of Newham Council (the "Council") under section 1 of the Freedom of Information Act 2000 (the "Act"):

"Would you please advise me if an application has been made under the RIGHT TO BUY SCHEME for the following property: [*Address of property redacted*]. Would you also please advise the Date of the Application if it has been made."

It is alleged that:

1. The request was not responded to within 20 working days.
2. Documentation about applications made under "Right to Buy" was not provided.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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

1. The request was made on 8<sup>th</sup> April 2005. The Council did not respond to this request until 29<sup>th</sup> July 2005, well outside 20 working days. The Council has therefore not dealt with the complainant's request in accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1).

Section 10(1) of the Act states:

“...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

2. The Council responded to the complainant’s question on 29<sup>th</sup> July 2005. The complainant has stated that documentation about applications made under the “Right to Buy Scheme” was not provided. This documentation was not requested in the initial information request, however. The initial request was that the Council state whether an application had been made and the date of such an application; it did not ask for any documentation in connection with such an application. The Council has therefore dealt with the request in accordance with the requirements of Part I of the Act in that it has complied with section 1(1)(a).

Section 1(1)(a) 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”

### **Action Required**

As this notice concludes that there is no further information to be provided to the complainant, the Commissioner hereby gives notice he does not require any remedial steps to be taken by London Borough of Newham Council.

### **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: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
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 19<sup>th</sup> day of December 2005

Signed: .....

Graham Smith  
Deputy Commissioner

Information Commissioner  
Wycliffe House  
Water Lane

**Reference: FS50076645**

Wilmslow  
Cheshire  
SK9 5AF