

Reference: FS50078394

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 23 January 2006

Name of Public Authority:	London Borough of Hackney
Address of Public Authority:	Town Hall
	Mare Street
	London
	E8 1EA

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint from the above person (the "complainant") which states, on 12 April 2005 the following information was requested from the London Borough of Hackney ("Hackney") under section 1 of the Freedom of Information Act 2000 (the "Act"):

The standards that apply to deem that a vehicle is 'travelling in a bus lane.'

It is alleged that:

Hackney has not provided the information within the statutory 20 working day time limit.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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 complainant states that she submitted three requests for the same information, to Hackney, on 12 April, 19 May and 27 May 2005 respectively. The first and third were delivered by hand, whilst the second was posted. Hackney have stated that they did not receive any of the three requests. The Commissioner forwarded a copy of the complainant's request, dated 12 April 2005, to Hackney; this was received on 28 September 2005. Consequently,

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on 12 October 2005, Hackney sent the requested information to the complainant.

Although the complainant is unable to provide sufficient evidence that Hackney received her initial three requests, the Commissioner finds it difficult to accept that three separate pieces of correspondence were not received by Hackney, especially as two of these were delivered by hand. Consequently, the Commissioner concludes that the request, dated 12 April 2005, was received and not responded to until 12 October 2005.

The Commissioner's decision is as follows:

By failing to provide the information until 12 October 2005, Hackney has 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) 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."

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 Hackney.

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:

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Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 6000 877
Fax: 0116 249 4253
Email: informationtribunal@dca.gsi.gov.uk

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 23rd day of January 2006

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF