



Freedom of Information Act 2000 (Section 50)

Decision Notice

Dated 6 June 2006

Public Authority: London Borough of Hackney

**Address: Town Hall
Mare Street
London
E8 1EA**

Summary Decision and Action Required

The Commissioner's decision in this matter is that the public authority has not dealt with the Complainant's request in accordance with Part I of the Act in that it has failed to respond to a request for information made to it.

The Commissioner accordingly requires the public authority either to issue a refusal notice to the complainant in conformity with the requirements of section 17 or to respond to the request as required by Section 1.

1. Freedom of Information Act 2000 (the 'Act') – Applications for a Decision and the Duty of the Commissioner

1.1 The Information Commissioner (the 'Commissioner') has received an application for a decision whether, in any specified respect, the Complainant's request for information made to the public authority has been dealt with in accordance with the requirements of Part I of the Freedom of Information Act 2000 (the 'Act').

1.2 Where a complainant has made an application for a decision, unless:

- a complainant has failed to exhaust a local complaints procedure, or**
- the application is frivolous or vexatious, or**
- the application has been subject to undue delay, or**
- the application has been withdrawn or abandoned,**

the Commissioner is under a duty to make a decision.

- 1.3 The Commissioner shall either notify the complainant that he has not made a decision (and his grounds for not doing so) or shall serve a notice of his decision on both the complainant and the public authority.

2. The Complaint

- 2.1 The Complainant has advised that on the 25 July 2005 the following information was requested from the Public Authority in accordance with section 1 of the Act.

“ 1. Bill of quantities, inspection certificates and final account documentation relating to when the premises were build.
2. All plans relating to the building
3. Any other documentation relating to any repairs of water pipes, central heating and maintenance have done up to November 1999.
4. A copy of the insurance policy relating to the above mentioned premises. “

- 2.2 The complainant reports that he has only received the documentation relating to point 4 of the above request.

3. Relevant Statutory Obligations under the Act

- 3.1 **Section 1(1)** provides that –

“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.”

- 3.2 **Section 17** provides that –

“A public authority which... is to any extent relying:

- on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request, or
- on a claim that information is exempt information

must, within the time for complying with section 1(1), give the applicant a notice which –

- (a) states that fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies.”

4. Review of the case

- 4.1 The Commissioner contacted the public authority by telephone and followed this by letter on the 25 April 2006 to remind it of its obligations under section 1 and section 17 of the Act.
- 4.2 The public authority assured the Commissioner that it would respond to the complainant as required by the Act.
- 4.3 Despite repeated attempts by the Commissioner to progress the matter by telephone on the 12, 22 and 23 May 2006, the complainant has not yet received an appropriate response to the request for information.

5. The Commissioner’s Decision

- 5.1 The Commissioner’s decision in this matter is that the public authority has not dealt with the Complainant’s request in accordance with the following requirements of Part I of the Act:

Section 1(1) – in that it failed to inform the Complainant in writing whether it held information of the description specified in the complainant’s request and, if held, to communicate to the Complainant such of the information specified in his request as did not fall within any of the absolute exemptions from the right of access nor within any of the qualified exemptions under which the consideration of the public interest in accordance with section 2 would authorise the Public Authority to refuse access.

6. Action Required

- 6.1 The Commissioner requires the public authority either to confirm or deny that the requested information is held by it and to communicate that information to the complainant, or, if the information is exempt information, to give the complainant a refusal notice in accordance with section 17 of the Act.
- 6.2 In the event that the public authority requires additional information from the complaint in order to be able to locate the requested

