

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 November 2011

Public Authority: London Borough of Islington
Address: 222 Upper Street
London
N1 1XR

Decision

1. The complainant wrote to the London Borough of Islington (the "council") and requested the following information:

All information held by the council which relates to the late [name redacted].
2. The Information Commissioner's (the "Commissioner") decision is that the council did not deal with the request for information in accordance with the FOIA in the following way:
 - It failed to provide a response to the request within the statutory time frame of 20 working days.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 8 April 2010, the complainant wrote to the council and requested information in the following terms:

"A copy of all records, information and data held by Islington Council (by all its departments) on the late [name redacted].

By way of context, [name redacted] is the complainant's late son.
5. On 27 April 2010 the council wrote to the complainant to acknowledge that the request had been received and confirmed that the request would be handled under the FOIA. To help it to identify the relevant information, the council also asked the complainant to write to provide the date of birth of the person named in the request.

6. On 12 May 2010 the complainant wrote to the council and provided this information.
7. The complainant wrote to the council on 14 September 2010 and 6 December 2010 seeking a response to their request; however, the council failed to provide a response.
8. Following the Commissioner's intervention, the council responded to the request on 3 November 2011.

Scope of the case

9. The complainant contacted the Commissioner to complain about the council's failure to respond to their request. At the time the complainant submitted their complaint to the Commissioner (June 2011) the council had not responded to the request.
10. The Commissioner has investigated whether the council has responded to the request within the statutory time limit set within the FOIA.

Reasons for decision

11. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
12. Between July 2011 and October 2011 the Commissioner contacted the council on a number of occasions and asked it to respond to the complainant's request. The council neither responded to the request nor did it acknowledge receipt of the Commissioner's correspondence; however, a response was eventually issued on 3 November 2011.
13. It is clear to the Commissioner that, in taking almost 400 working days to issue a response, the council has failed to deal with the request in the time limit set within the FOIA.

Other matters

14. Although they do not form part of this decision notice, the Commissioner wishes to note his concerns about the severe delays involved in this case.
15. The council's ongoing failure to respond to the request, despite being repeatedly prompted to do so by the complainant and the Commissioner

raises concerns that the council might not take its responsibilities under the FOIA seriously.

16. The council's approach in handling this request is also not in keeping with the undertaking signed in April 2011, in which it committed to "...endeavour to consistently provide responses to requests within the statutory timescales."¹
17. The Commissioner has logged the delays involved in the handling of this request and expects that, in future, the council will respond to requests within the time limits required by the FOIA.

¹ Published on the ICO website here:

http://www.ico.gov.uk/what_we_cover/taking_action/~/_media/documents/library/Freedom_of_Information/Notices/islington_borough_council_foi_undertaking.ashx

Right of appeal

18. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

19. If you wish to appeal against a Decision Notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
20. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Signed

Andrew White
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