

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 September 2011

Public Authority: London Borough of Croydon
Address: Taberner House
Park Lane
Croydon,
CR9 3JS.

Decision (including any steps ordered)

1. The complainant requested a copy statement of her deceased daughter's benefit account from a specific department within the London Borough of Croydon [the council]
2. The Information Commissioner's [the Commissioner] decision is that the council has breached section 10 of the Freedom of Information Act [the Act] by failing to respond to the request within 20 working days. The council did however supply the complainant with the information she requested. This disclosure was made outside of the Act as the information in question would have been exempt from disclosure under the Act.
3. The Commissioner does not require the public authority to take any further action in respect of this complaint.

Request and response

4. On 29 July 2010, the complainant wrote to the council and requested information in the following terms:

"Please forward me a copy statement of [name redacted]'s account with your department from start date to 29 July 2010."

There was then a chain of correspondence between the complainant and the council, during which time the complainant repeated her request on 16 August 2010, made a subject access request under the Data Protection Act on 20 August 2010 and finally a request to the Freedom of Information officer on 27 September 2010.

5. Following the intervention of the Commissioner, the council provided the requested information to the complainant on 2 June 2011. The council confirmed that if the information had been requested by any other party that it would have been withheld due to its confidential nature.

Scope of the case

6. The complainant contacted the Commissioner to complain about the way her request for information had been handled. The complaint is specifically about the delayed response and therefore the Commissioner has not asked the council to consider any exemptions which may apply to the requested information.
7. The Commissioner has therefore restricted the scope of his investigation to consider the obligation of the council to respond to a request for information within 20 working days.

Reasons for decision

8. Section 10(1) provides that a public authority in receipt of a request for information should comply with the request within 20 working days. In this case the complainant submitted her request on 29 July 2010. The council failed to respond until 2 June 2011, almost 11 months later. The commissioner notes that this response was only provided after his intervention, despite the significant delay. He finds that the council has breached section 10 (1).

Right of appeal

9. 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,
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

10. 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.
11. 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
Group Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF