

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 02 May 2012

Public Authority: London Borough of Hounslow Council
Address: Civic Centre
Lampton Road
Hounslow
TW3 4DN

Decision (including any steps ordered)

1. The complainant requested information relating to an alleged parking contravention notice, the organisation operating a CCTV system and the purpose for which CCTV cameras in the areas were operating. He also requested various other details about the parking enforcement operation in general.
2. The Commissioner's decision is that London Borough of Hounslow Council has breached the Act in that it did not respond to the complainant's request within 20 working days as required by s 10 of the Act.
3. However the Commissioner notes that the council did in fact respond to the complainant's, albeit that that response was outside of the 20 working days requirement. He therefore does not require any steps to be taken in this instance.

Request and response

4. On 6 October 2011 the complainant wrote to the London Borough of Hounslow Council and requested information in the following terms:

"1. Please, forward to us the full evidence that allegedly has been recorded in support of the alleged parking contravention;

2. Please, provide the details of the organisation operating the system

3. *Please, provide the purpose for using CCTV cameras*
4. *Please, provide the contract about the scheme (where these things are not obvious to those being monitored)*
5. *Please, confirm that the sign displayed is of an appropriate size depending on context, for example, whether they are viewed by pedestrians or by car drivers.*
6. *Please, provide the authority to install these CCTV cameras in use are approved device(s) as mentioned above and the locations of signs warning the use of CCTV cameras along the route, detailed above (as they are not clearly visible) contrary to the Act as allowed;*
7. *Please, provide the confirmation the legality of Local Authority CCTV cameras which are required to be certificated by the Department of Transport's ('the DT') agency known as the VCA;*
8. *Please, provide confirmation that the Enforcement Authority is compliant; and*
9. *If the reply is affirmative; please could you provide the evidence in support."*

Scope of the case

5. On 3 December 2011 the complainant contacted the Commissioner to complain about the way his request for information had been handled. He complained that the council had ignored his request, stating that it had also ignored other requests and complaints he had made.

Reasons for decision

6. Section 10 of FOIA/EIR states that
"Subject to subsections (2) and (3), 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."
7. The complainant made his request for information on 6 October 2011.
8. The council did supply its response to the complainant's request. It did not however do so until 17 January 2012.

9. The request was not therefore responded to within twenty working days as required by section 10.
10. The Commissioner's decision is therefore that the council breached section 10 of the Act.
11. The Commissioner's decision is that it is not necessary for him to order any steps in this decision notice however as the council subsequently disclosed the information to the complainant.
12. The Commissioner monitors public authorities' compliance with the Act generally and can take action separately if he recognises an authority is systematically failing to meet its obligations in this respect.

Other Matters

13. The complainant stated to the Commissioner that he did receive a copy of the response dated 17 January 2012. He therefore asked the Commissioner to require proof of postage from the council as evidence that it had sent its response when it claims to have.
14. The Commissioner however notes that public authorities are not required to provide proof of postage or use recorded delivery when disclosing information under the Act.
15. As there is no requirement for an authority to obtain either proof of postage or to use recorded delivery, the council would not have breached the Act by issuing its response without either of these.
16. The absence of these documents would not therefore have provided any evidence to strengthen the complainant's argument that the letter was never sent, or that he never received that letter. The Commissioner provided the complainant with a copy of the council's letter of 17 January 2012 to ensure that he does now hold a copy of the response in question.

Right of appeal

17. 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

18. 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.
19. 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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